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Claim No QB-2018-006323
 IN THE HIGH COURT OF JUSTICE
 QUEEN'S BENCH DIVISION
 MEDIA AND COMMUNICATIONS LIST
 Royal Courts of Justice,
 Strand,
 London, WC2A 2LL.
 Friday, 24th July, 2020
 Before:
 MR. JUSTICE NICOL

BETWEEN:
 JOHN CHRISTOPHER DEPP II
 Claimant

-and-

(1) NEWS GROUP NEWSPAPERS LIMITED
 (2) DAN WOOTTON
 Defendants

(Computer-aided transcript of the Stenograph Notes of
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MR. DAVID SHERBORNE, MS. ELEANOR LAWS QC and MS. KATE WILSON
 (instructed by Schillings) appeared for the Claimant.

MS. SASHA WASS QC, MR. ADAM WOLANSKI QC and MS. CLARA HAMER
 (instructed by Simons Muirhead & Burton) appeared for
 the Defendants.

 P R O C E E D I N G S
 (DAY 14)
 (TRANSCRIPT PREPARED WITHOUT ACCESS TO COURT BUNDLES)

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1 DISCUSSION

2 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

3 MR. SHERBORNE: I am going to hand up something that was received

4 by us yesterday after court from an anonymous source, from a

5 confidential source, obviously as a result of the evidence

6 that Ms. Whitney Heard gave yesterday. If I can hand up it

7 up, I have copies. It has been provided to the other side

8 this morning.

9 MS. WASS: May I just make it plain, my Lord, that I know nothing

10 about this, and was not warned of this application this

11 morning, so I have not seen any of this yet.

12 MR. JUSTICE NICOL: Right.

13 MR. SHERBORNE: It is material which we say demonstrates that

14 Ms. Whitney Heard lied yesterday.

15 MR. JUSTICE NICOL: Just a minute. (Pause)

16 MR. SHERBORNE: Your Lordship is looking at a transcript of a

17 video which we were sent. Let me explain, my Lord. After she

18 gave evidence yesterday, one of our team was contacted by an

19 individual on the basis of being kept confidential, in which

20 we were told that there was a video which was attached to the

21 communication, a transcript of which I have handed up to

22 your Lordship. We were contacted to explain that

23 Ms. Amber Heard had a history of violence and attacking people

24 and this video, which was attached, of her sister Whitney

25 Heard, was taken shortly after Amber Heard had attacked her.

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1 DISCUSSION

2 MR. SHERBORNE: My Lord.

3 MR. JUSTICE NICOL: Yes.

4 MR. SHERBORNE: I wanted to raise one matter relating to the

5 evidence of Miss Whitney Heard, arising from the evidence she

6 gave yesterday afternoon.

7 MR. JUSTICE NICOL: Just a moment. (Pause) Yes. Do you want

8 Ms. Heard to stay outside the court? Oh, she is.

9 MR. SHERBORNE: That is why we have asked Ms. Whitney Heard to

10 remain outside for the moment. Given that, as your Lordship

11 heard yesterday, Ms. Whitney Heard was frequently looking up

12 to the gallery yesterday, during her evidence, your Lordship

13 is well aware of what we say about Ms. Whitney Heard's

14 evidence, that she has tailored it to meet her sister's

15 evidence. So I do ask that Ms. Amber Heard, who I assume is

16 up in the gallery again this morning, should refrain from

17 using the phone she has apparently been frequently using, so

18 there is no contact between her and her sister whilst

19 I make the point I am going to make.

20 MR. JUSTICE NICOL: Is it suggested that Whitney Heard or Whitney

21 Henriquez has been receiving messages on her phone while

22 giving evidence?

23 MR. SHERBORNE: Not during the course of giving her evidence, no,

24 my Lord, but your Lordship will understand when I explain.

25 Now, I am going to hand up to your Lordship some material ----

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1 DISCUSSION

2 MR. JUSTICE NICOL: Just a minute. (Pause)

3 MR. SHERBORNE: Ms. Whitney Heard was filmed with people

4 commenting on the bruises on her face and body.

5 Now, your Lordship will recall that in the context of

6 the attack, what I will call the stairs incident, and the

7 evidence, we say, of the attack by Ms. Amber Heard on

8 Mr. Depp, Ms. Whitney Heard, you will recall, protested that

9 it was only in self-defence, and it is the one physical act

10 that Ms. Amber Heard admits to. Your Lordship knows what we

11 say.

12 Ms. Whitney Heard was asked by Ms. Laws whether

13 Ms. Amber Heard was violent, given it was said by Ms. Whitney

14 Heard that this was a one-off act of self-defence, and whether

15 or not Amber Heard had hit Whitney Heard, which Whitney Heard

16 denied.

17 MR. JUSTICE NICOL: Just a minute. (Pause) On a previous

18 occasion?

19 MR. SHERBORNE: My Lord, yes, "Has she ever hit you", and

20 Ms. Whitney Heard said, "No". "Are you sure?", she was asked,

21 and she said "Yes". Given that this incident on the stairs,

22 as your Lordship will appreciate, is the only occasion on

23 which any other human being is supposed to have witnessed

24 Mr. Depp ----

25 MR. JUSTICE NICOL: Now, Mr. Sherborne, we are short of time. Let

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1 us keep, please, to your submission on this matter.
 2 MR. SHERBORNE: Your Lordship will appreciate, therefore, that the
 3 reliability of Ms. Whitney Heard is critical ----
 4 MR. JUSTICE NICOL: Mr. Sherborne, I have been tempted to say this
 5 at an earlier stage, but I will say it now. This is a matter
 6 about credit, and are not answers to questions about credit
 7 final?
 8 MR. SHERBORNE: My Lord, it is not just about credit, no, because
 9 it goes to the one issue, which is whether or not Ms. Heard
 10 was violent. That is not a credit issue.
 11 MR. JUSTICE NICOL: No, just a minute. There is an issue in the
 12 case, of course, as to whether the libel is true, and the
 13 alleged libel is that Mr. Depp assaulted Ms. Heard.
 14 MR. SHERBORNE: That is obviously the meaning that is complained
 15 of, but if your Lordship looks at the incidents ----
 16 MR. JUSTICE NICOL: And, broadly speaking, the meaning which is
 17 sought to be justified.
 18 MR. SHERBORNE: Yes, but the particulars of justification say --
 19 and your Lordship will see it throughout Ms. Amber Heard's
 20 evidence -- that she was never violent, she did not physically
 21 attack Mr. Depp, which is part of his reply, and the only one
 22 occasion is said to be when she was acting in self-defence.
 23 Now, evidence that Ms. Heard was violent towards her sister is
 24 relevant to that issue which your Lordship has to, in my
 25

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DISCUSSION

1 MR. SHERBORNE: And we would be entitled to rely on in our closing
 2 submissions.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Now, has Ms. Wass seen
 4 this video?
 5 MR. SHERBORNE: I do not think she has, no.
 6 MR. JUSTICE NICOL: Well, is the right thing to play the video as
 7 part of your application ----
 8 MR. SHERBORNE: Yes.
 9 MR. JUSTICE NICOL: ---- to reopen the cross-examination?
 10 MR. SHERBORNE: Yes, my Lord, I am happy to do so.
 11 MR. JUSTICE NICOL: Just a minute. (Pause)
 12 MR. SHERBORNE: When your Lordship is ready.
 13 MR. JUSTICE NICOL: Well, before that happens, I am going ask
 14 Ms. Wass. First of all, Ms. Wass, is there anything you want
 15 to say about why I should at least not see this video to start
 16 with?
 17 MS. WASS: Well, there are a number of reasons. The first,
 18 perhaps the most pressing, is that we have a witness in
 19 Brisbane who has travelled some considerable distance within
 20 Australia to be at a video facility in order that she can give
 21 evidence. So, if this is going to take a little time, I would
 22 ask that the entire re-examination is put back until that
 23 witness has given her evidence. That is Ms. Sexton.
 24 The second matter is, it is surprising, given the fact
 25

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DISCUSSION

1 submission, determine, and it is going to be part of each
 2 side's closing speech.
 3 MR. JUSTICE NICOL: Is the point that you want to ask Whitney
 4 Heard whether it is correct that Amber has not been violent to
 5 her in the past? You have asked her that already.
 6 MR. SHERBORNE: We are entitled to put evidence of violence to
 7 Ms. Whitney Heard, given it has arisen in this way, and given
 8 Whitney Heard gave the evidence she did.
 9 MR. JUSTICE NICOL: Just a minute. (Pause) What exactly do you
 10 want to ask Whitney?
 11 MR. SHERBORNE: We want to play the video tape to her and ask her
 12 about the incident in which Ms. Amber Heard attacked her.
 13 MR. JUSTICE NICOL: Just a minute. (Pause)
 14 MR. SHERBORNE: It is a short clip. Ms. Whitney Heard has not
 15 finished. She has not started her re-examination yet so, in
 16 my submission, had we received this ----
 17 MR. JUSTICE NICOL: I thought she had started her re-examination.
 18 MR. SHERBORNE: No, your Lordship said it should start this
 19 morning.
 20 MR. JUSTICE NICOL: Okay.
 21 MR. SHERBORNE: So, it is a question that, in my submission,
 22 Ms. Laws, had we received this before the end of yesterday,
 23 would have been entitled to put to her.
 24 MR. JUSTICE NICOL: Just a minute. (Pause)
 25

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DISCUSSION

1 that Mr. Sherborne says he was provided with this information
 2 last night, that I was not told about it by Mr. Sherborne
 3 until your Lordship was told about it at 10 o'clock this
 4 morning. My first thoughts are, having not seen the video,
 5 that certainly the video should be considered. Again, my
 6 application is that that occasion should take place after the
 7 next witness, and then see whether this document proves
 8 anything like what Mr. Sherborne suggests it does.
 9 MR. JUSTICE NICOL: That is a matter that is depending on seeing
 10 the video.
 11 MS. WASS: Of course.
 12 MR. JUSTICE NICOL: Your first submission is that we ought to deal
 13 with Ms. Sexton's evidence first, yes.
 14 MS. WASS: Yes, please, because this is going to take a little
 15 time and I have got re-examination. I was hoping to finish
 16 the re-examination by about quarter-past. It is now nearly
 17 quarter-past and I have not started. It is not fair on the
 18 witness, who has inconvenienced herself quite considerably to
 19 be available at a time in Australia which is not entirely
 20 sociable.
 21 MR. JUSTICE NICOL: Thank you. Mr. Sherborne, I am inclined to
 22 say that we ought to press on with Ms. Sexton's evidence, and
 23 if there is an opportunity for Ms. Wass to see the video
 24 before we get to the issue, that would be desirable. In any
 25

<p style="text-align: right;">[Page 2207]</p> <p>1 DISCUSSION</p> <p>2 event, I think we should press on with Ms. Sexton.</p> <p>3 MR. SHERBORNE: My Lord, I hear what your Lordship says.</p> <p>4 Obviously, I am not going to try to dissuade you. We are</p> <p>5 concerned, as I said, about communications that may be</p> <p>6 happening to Ms. Whitney Heard as we speak, and I say that</p> <p>7 just so I lay down a marker, given what I understand is</p> <p>8 happening.</p> <p>9 MR. JUSTICE NICOL: I have told Ms. Whitney Heard not to speak</p> <p>10 about her evidence to anybody until it is concluded. I have</p> <p>11 no reason to think that she has not complied with that</p> <p>12 instruction. So, shall I rise for a few minutes while you</p> <p>13 establish the link?</p> <p>14 MS. WASS: Yes, please.</p> <p>15 MR. JUSTICE NICOL: Did you say it is with Brisbane?</p> <p>16 MS. WASS: It is Brisbane and it is file ----</p> <p>17 MR. JUSTICE NICOL: Do not worry about that. You can deal with</p> <p>18 that once we have the link.</p> <p>19 MS. WASS: Thank you.</p> <p>20 MR. JUSTICE NICOL: I will rise for a few minutes.</p> <p>21 (A short break)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">[Page 2209]</p> <p>1 SEXTON - WASS</p> <p>2 MR. MALCOLMSON: Scott Malcolmson, spelt M-A-L-C-O-L-M-S-O-N.</p> <p>3 MR. JUSTICE NICOL: Thank you. You are an Australian lawyer?</p> <p>4 MR. MALCOLMSON: Yes, I am.</p> <p>5 MR. JUSTICE NICOL: If there is a point at which you think I ought</p> <p>6 to take matters into account, then please indicate, but</p> <p>7 otherwise, you must not interrupt the witness. Do you</p> <p>8 understand that?</p> <p>9 MR. MALCOLMSON: Indeed.</p> <p>10 MR. JUSTICE NICOL: Thank you very much.</p> <p>11 MS. WASS: Is your name Kristina Sexton?</p> <p>12 A. Yes.</p> <p>13 Q. Ms. Sexton, I am going to ask you to look at a witness</p> <p>14 statement that you have made in this case. Do you have it in</p> <p>15 file 2? I can see you holding up a document.</p> <p>16 A. Yes.</p> <p>17 Q. I am just going to give the reference to other people in this</p> <p>18 court. It is, my Lord, file 2, tab 63. Is that a document</p> <p>19 comprising 16 pages of the main statement?</p> <p>20 A. Yes.</p> <p>21 Q. And if you turn to the last page, page 16, is that signed by</p> <p>22 you, dated 4th December 2019?</p> <p>23 A. Yes.</p> <p>24 Q. And are the contents of that statement true?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">[Page 2208]</p> <p>1 SEXTON</p> <p>2 MS. KRISTINA SEXTON, CALLED</p> <p>3 (via video link)</p> <p>4 MR. JUSTICE NICOL: Now, is it Ms. Sexton?</p> <p>5 THE WITNESS: Yes.</p> <p>6 MR. JUSTICE NICOL: You have answered my first question, which is</p> <p>7 whether you can hear me all right.</p> <p>8 THE WITNESS: I can.</p> <p>9 MR. JUSTICE NICOL: Good. The first stage of your evidence in</p> <p>10 this trial is that you are going to be asked to either swear</p> <p>11 an oath to tell the truth or affirm to tell the truth. Which</p> <p>12 would you prefer to do?</p> <p>13 THE WITNESS: Affirmation, please.</p> <p>14 MR. JUSTICE NICOL: All right. Then, would you please listen to</p> <p>15 the usher as she reads out the terms of the affirmation and</p> <p>16 then repeat each of the phrases after her?</p> <p>17 MS. KRISTINA SEXTON, AFFIRMED</p> <p>18 EXAMINED BY MS. WASS</p> <p>19 MR. JUSTICE NICOL: Now, Ms. Sexton, there is somebody else in the</p> <p>20 room with you, and could I ask, please, him to identify</p> <p>21 himself?</p> <p>22 MR. MALCOMSON: My name is Scott Malcolmson. I am a member of</p> <p>23 the private bar here in Brisbane. I am simply assisting</p> <p>24 Ms. Sexton with any documents that she may need.</p> <p>25 MR. JUSTICE NICOL: I am sorry, I did not catch your name, sir.</p>	<p style="text-align: right;">[Page 2210]</p> <p>1 SEXTON - WASS</p> <p>2 Q. In addition, did you prepare a confidential schedule to that</p> <p>3 statement comprising two pages or three paragraphs?</p> <p>4 A. Yes.</p> <p>5 Q. And are the contents of that confidential schedule true?</p> <p>6 A. Yes.</p> <p>7 MS. WASS: Ms. Sexton, will you wait there, please. You are going</p> <p>8 to be asked some more questions.</p> <p>9 MR. JUSTICE NICOL: Just a minute. (Pause) Yes, Ms. Laws.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

SEXTON - LAWS

SEXTON - LAWS

MS. LAWS: I will. (To the witness) I am going to suggest, you have already accepted, that whatever Ms. Heard told you about the allegations, you accepted.

MS. LAWS: Bearing in mind the impression she was giving you at that time, would that have surprised you that she was doing that.

THE WITNESS: Okay.

A. I assume that I am one of many people that she calls to rely on and asked to be a shoulder. I do not know what their relationship is. So, I have no great knowledge of that.

Q. You have confirmed that. What you have done is enthusiastically supported her by making this statement. Do you agree with that?

Q. You see, the point of paragraph 46 is to suggest, is it not, that Mr. Depp was unreasonably jealous of Ms. Heard and her leading men?

A. I disagree with the idea that I enthusiastically support her. I was asked to tell what I saw and I told what I saw.

Q. In relation to the things that Ms. Heard told you, one of the things she told you, at paragraph 60, was about what had happened after you left the night of her birthday. Do you have that paragraph?

MR. JUSTICE NICOL: Well, Ms. Laws, that is a matter that you can comment on in due course.

A. Yes.

MS. LAWS: (To the witness) Would it have surprised you that in May 2016, before Ms. Heard separated from Mr. Depp, that she was entertaining a high profile man at Eastern Columbia Building whilst Mr. Depp was away; would that have surprised you at the time?

Q. One of the things she said was: "Johnny will never let me go, he would rather destroy me than let me leave."

A. Again, I have no knowledge of who she is entertaining in her apartment. But I was not present, I do not know, I did not ask her about who she was with. I do not -- she is friends with a lot of high profile people.

MR. JUSTICE NICOL: Just a minute. (Pause)

THE WITNESS: Yes.

MS. LAWS: Did you know that after she and Mr. Depp had separated and before the world knew about it, so the time that you have found out about the allegations, did you know that during that period of time she was contacting Mr. Depp, calling him, and telling him that they could stop the whole process. Did you know any of that?

Q. In relation to matters that Ms. Heard has told you about since going public, can I ask you to go to paragraph 43.

A. Yes.

Q. Paragraphs 43 and 44 deal with what Ms. Heard was telling you

SEXTON - LAWS

SEXTON - LAWS

A. No.

about damage to a painting. Do you want to have a look at that paragraph, to remind yourself.

Q. Bearing in mind what she was telling you, no doubt that would have surprised you at the time?

A. Yes.

A. No. They had an extraordinarily passionate and volatile relationship. Most relationships in the course of breaking up are contacting each other for a great deal of time. That would not surprise me at all.

Q. Ms. Heard was telling you about one painting that Mr. Depp had taken offence to, was she not?

Q. You have recounted, at paragraph 46 of your witness statement, an incident involving Mr. Depp's concern about Ms. Heard and being in the company of Mr. Franco. Do you see paragraph?

A. Yes.

Q. Just one?

A. Yes, sorry, I am looking at the paragraph. I am looking at it.

MR. JUSTICE NICOL: Just a minute.

Q. Do I take it from what you have just said that it would not surprise you at all either that Mr. Franco was visiting Ms. Heard late at night the day after Ms. Heard and Mr. Depp separated, and before she went public?

THE WITNESS: It may have included photographs in the house as well ----

MR. JUSTICE NICOL: Just slow down, please, Ms. Sexton.

A. I never (unclear due to distortion) a relationship with Mr. Franco other than (unclear due to distortion) together and worked with her.

THE WITNESS: I apologise. (Pause)

MR. JUSTICE NICOL: Sorry, Ms. Sexton, the line was breaking up then, so I did not hear your answer.

MR. JUSTICE NICOL: So, you were being asked whether Ms. Heard was telling you about a single painting that Mr. Depp had taken offence to. Do you agree or disagree?

A. I said I have no knowledge of her personal relationship with Mr. Franco. The only thing I know about is the (unclear) and the character work that I did with her on this film with him.

A. Partially agree, in that I believe it was just demo artwork from Tasya, photographs, painting, it was not to me one specific specific, it was the art (unclear) and the artwork of Tasya in the house.

MS. LAWS: I suggest that you have shifted your account from what you have said in your statement in December. Do you agree or disagree?

A. No. I disagree. My account specifically is talking about the painting, but you asked me if I was talking about the painting

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1 SEXTON - LAWS
 2 and I am saying it included the painting and I believe other
 3 artwork. That is what you have asked me, if it was including
 4 other things. That was my understanding at least of what you
 5 have just asked me.
 6 Q. You have been in contact with Ms. Heard or her
 7 representatives, have you not, since making this statement on
 8 4th December, and today specifically in relation to this
 9 point, have you not?
 10 A. Absolutely not.
 11 Q. Let us read what you have said: "I remember her telling me
 12 that he lost his mind about a painting that Tasya gave her.
 13 She did not tell me he hit her, but just that Johnny had gone
 14 nuts about her having this painting in her house, and that he
 15 didn't want any of Tasya's work in the house. She told me
 16 this around the time it happened, because she was living at
 17 her house in Orange. ...(reads to the words)... it was about
 18 the same time that pictures of him went up around her house."
 19 Do you stand by that paragraph?
 20 A. Ma'am, it says that he did not want any of Tasya's work in the
 21 house, I am reiterating what is in the statement ----
 22 MR. JUSTICE NICOL: Just slow down.
 23 A. I am reiterating that that specific painting was brought up
 24 and that the other work in the house was also a problem.
 25 MS. LAWS: So, what you have said about a specific painting, him

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1 SEXTON - LAWS
 2 losing his mind about a specific painting, just one, is
 3 correct?
 4 A. I spoke of that one painting and the rest of Tasya's art was
 5 removed.
 6 Q. Did you see that for yourself?
 7 A. Yes.
 8 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 9 MS. LAWS: Now, I am going to ask you this. Is it right that in
 10 early 2016, Ms. Heard told you that she wanted to leave the
 11 relationship with Mr. Depp but was worried about bad publicity
 12 if she did?
 13 THE WITNESS: She was worried about repercussions, that was one of
 14 many elements of what she was worried about, yes.
 15 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 16 MS. LAWS: Just reading from paragraph 39 of your statement: "It
 17 was in this period, in early 2016, that we talked a lot about
 18 her leaving. She started to say things like, 'I am so
 19 embarrassed but I know I have to leave'. She told me she was
 20 worried about the publicity of leaving him, especially after
 21 them only recently being married to him." That is what you
 22 said in your statement; is that true?
 23 THE WITNESS: Yes.
 24 Q. Thank you. Another point I want to ask you about is what
 25 Ms. Heard had told you had happened in Australia and how

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1 SEXTON - LAWS
 2 Mr. Depp had received the injury to his finger. Now, you in
 3 fact were deposed twice, were you not, as part of proceedings
 4 in America?
 5 MR. JUSTICE NICOL: Just a minute.
 6 THE WITNESS: Yes.
 7 MS. LAWS: Can I ask you, do have access to file 4, please?
 8 A. Yes.
 9 MR. JUSTICE NICOL: Just a minute. We are going to have to get
 10 this for ourselves. (Pause) The hard copy files that are
 11 divided with what we call tabs or dividers, and Ms. Laws is
 12 going to tell me which is the divider that she wants to refer
 13 to.
 14 MS. LAWS: My Lord, it is divider 106.
 15 THE WITNESS: I have (unclear due to audio distortion).
 16 MR. JUSTICE NICOL: I am sorry, we did not hear that, Ms. Sexton.
 17 A. I have a paper copy and that is available (unclear due to
 18 audio distortion) or what am I searching for?
 19 MR. JUSTICE NICOL: Ms. Laws has just helped me to find the
 20 document that she wants me to look at. If you just wait a
 21 moment, she will take me to the particular page.
 22 MS. LAWS: My Lord, yes, it is F553.
 23 MR. JUSTICE NICOL: Just a minute. Ms. Sexton, we have a number
 24 F553. Are you looking at the same page?
 25 THE WITNESS: Yes.

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1 SEXTON - LAWS
 2 MR. JUSTICE NICOL: All right. Now, this is the deposition from
 3 the United States, and so there are internal page numbers as
 4 well. Can you follow that?
 5 A. Yes sir.
 6 MR. JUSTICE NICOL: All right. Now, Ms. Laws is going to tell me
 7 which particular internal page she wants to look at.
 8 MS. LAWS: It is internal page 147, the bottom left-hand corner of
 9 that page. Do you have that?
 10 THE WITNESS: Yes.
 11 Q. You do. So your Lordship knows, it is the deposition that
 12 took place on December 18th last year. It is very small type,
 13 but right at the bottom of page 147, the question: "When
 14 Mr. Depp and Ms. Heard went to Australia, did she tell you
 15 that she threw a bottle of vodka at him and that's what
 16 severed his finger?" Do you see that question at the bottom
 17 of 147?
 18 A. Line 23?
 19 Q. Yes.
 20 MR. JUSTICE NICOL: Indeed.
 21 THE WITNESS: Yes.
 22 MS. LAWS: Then we go to your answer, which was a no, at the top
 23 of page 148.
 24 A. Yes.
 25 Q. Then there is an objection from Mr. Caplan and then you are

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1 SEXTON - LAWS
2 did not get released for years and that Ms. Heard was very
3 unhappy with it. I am going to suggest you must know that.
4 A. I understood that it was not released because of difficulties
5 with a body double. I know something about that, but I do not
6 know ----
7 MR. JUSTICE NICOL: Just slow down, please, Ms. Sexton. You knew
8 it was not released for a while or for years.
9 A. I was told about difficulties with the body double, but aside
10 from that, once the (unclear) is done, I do not (unclear) or
11 keep track of them as I am working on other things.
12 MS. LAWS: You know full well, do you not, that your advice was
13 wrong and Mr. Depp's advice was right in that regard; do you
14 not?
15 A. I did not offer advice, ma'am.
16 Q. And that is a very bad example to use to suggest that he was
17 being controlling?
18 A. I can give you a number of other examples, but I did not give
19 her advice. I do not advise her on what roles to take, as
20 I have stated several times now.
21 Q. Moving on to a different topic, you paint a picture on how
22 some occasions, you were not able to start your coaching with
23 Ms. Heard because Mr. Depp had drunk too much and could not be
24 disturbed. Do you remember that suggestion in your statement?
25 MR. JUSTICE NICOL: Is this a paragraph?

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1 SEXTON - LAWS
2 THE WITNESS: Yes.
3 MS. LAWS: It is, but I am not sure -- it is littered all over the
4 statement. You have just agreed that that is what you were
5 saying. I am going to suggest that that is nonsense. You
6 could have used a connecting penthouse. There was plenty of
7 room for you and Ms. Heard to start your sessions, was there
8 not?
9 A. We often had to go to different rooms and sessions. The one
10 that I was thinking of when you say that was at a Sweetzer
11 house in which they did not want us making any noise because
12 he was directly upstairs.
13 Q. You feel, do you not, that Mr. Depp tricked Ms. Heard into
14 getting married?
15 A. I feel that she was not in a great mental state in the week I
16 saw her before she went to get married.
17 Q. I want to ask one thing that you confirmed in the deposition.
18 I think you have said that Ms. Heard usually wears very little
19 makeup or no makeup at all. Was that true?
20 A. Yes. Yes.
21 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
22 MS. LAWS: Would that be the case when Ms. Heard was going out of
23 the buildings just, for example, to go on errands?
24 A. Yes. When I interacted with her in the daytime, she did not
25 really wear makeup in the daytime.

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1 SEXTON - LAWS
2 MR. JUSTICE NICOL: Just a minute. (Pause)
3 MS. LAWS: My Lord, there are then just two questions I have of
4 this witness that have to be in private.
5 MR. JUSTICE NICOL: All right. We will go into private session,
6 which means that anybody who is not one of the lawyers in the
7 case should now leave. We will terminate the link with the
8 public and the press courtrooms.
9 (For proceedings in private, see separate transcript)
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[Page 2238]

1 SEXTON
2 MS. KRISTINA SEXTON, RECALLED
3 RE-EXAMINED BY MS. WASS
4 MS. WASS: Ms. Sexton, I want to just ask you about a number of
5 topics.
6 MR. JUSTICE NICOL: Just a moment. Ms. Sexton, we are now back in
7 the public part of the trial. Do you understand that?
8 THE WITNESS: Yes, sir, thank you.
9 MR. JUSTICE NICOL: Good. Yes.
10 MS. WASS: I would like to ask you, please, Ms. Sexton, about a
11 number of things that were raised in cross-examination,
12 questions you have previously been asked this morning; do you
13 understand?
14 A. Yes, ma'am.
15 Q. Could I start, please, by asking you about the volatility of
16 the relationship. You were asked about whether you were told
17 about physical violence, and you said you had been previously
18 told about volatility. Do you remember?
19 A. Yes.
20 Q. Can I ask you, please, first of all, when were you first aware
21 of volatility in the relationship between Ms. Heard and
22 Mr. Depp?
23 A. I first became aware of volatility when she was still living
24 at the property on Orange Street. So, I believe that time
25 period was somewhere around 2012, 2013.

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1 SEXTON - WASS

2 Q. 2012, 2013. And can I ask you -- sorry, do forgive me, carry

3 on.

4 A. She began telling me about the fights that they were having.

5 And that it was a very passionate relationship, both

6 directions, both extraordinarily loving, but then they would

7 have these screaming matches. That is the first that

8 I remember.

9 Q. When you say fights, could you explain what type of fights you

10 are referring to?

11 A. At that time, I was only aware of verbal fights, of them

12 arguing and calling each other names. I do not think he was

13 (unclear due to audio distortion) at that time it was my

14 understanding that they would only emotionally, verbal abuse,

15 like so, screaming, and really horrible things to each other.

16 Q. Screaming and saying horrible things to each other, that was

17 in 2012, 2013, I think you said when Ms. Heard lived in Orange

18 Avenue?

19 A. That was the first I recall, from my memory, yes.

20 Q. Then, after that, how regularly, when was the next incident of

21 volatility that you recall?

22 MR. JUSTICE NICOL: Just a minute, Ms. Sexton. Ms. Wass, if you

23 think it necessary to go further on this topic, of course you

24 may do so, but we are short of time.

25 MS. WASS: Yes. Well, let me then ask it another way and cut

[Page 2240]

1 SEXTON - WASS

2 directly to something else.

3 (To the witness) Forget the question I have just asked

4 you, please, Ms. Sexton. I want to ask you about Hicksville,

5 which we know was in the summer of 2013.

6 THE WITNESS: Yes.

7 Q. Can you first of all confirm what damage you saw to the

8 trailer where Ms. Heard and Mr. Depp were living?

9 A. I saw broken glass strewn everywhere and it looked like window

10 coverings or cloth had been ripped and thrown around the

11 place.

12 MR. JUSTICE NICOL: Just a minute, please. Broken glass

13 everywhere, and you said something else?

14 A. A fabric, I remember seeing torn fabric, either like curtain

15 fabric or I do not know, bedding. It was fabric that was

16 strewn around, everything was in disarray. Like (unclear) and

17 some of it, like, broken things just everywhere.

18 Q. Was there any conversation between yourself and Ms. Heard

19 about that damage or anything to do with how it came about?

20 A. Yes.

21 Q. Could you tell us what that was, please.

22 A. I came in to check and see how she was doing and she was

23 really upset. I heard it was Johnny (unclear) was coming into

24 the trailer apologising to her saying "I'm so sorry ----"

25 Q. Could you please ----

[Page 2241]

1 SEXTON - WASS

2 MR. JUSTICE NICOL: Ms. Sexton, pause a moment, please.

3 MS. WASS: I am sorry we keep interrupting you. The reason we are

4 doing it is two-fold. The first is that the judge in this

5 court needs to take a note of what you are saying. All right?

6 THE WITNESS: Okay.

7 Q. So if you could give us bite-sized chunks, rather than

8 paragraphs, please. I am going to ask you again, if we can

9 have a sentence at a time. I think you said something about

10 Mr. Depp apologising.

11 A. I could hear him apologising as I went into the trailer and he

12 was out with his security team and they were trying to figure

13 out how they were going to proceed. I believe there was a

14 wedding or something coming soon and everything needed to be

15 taken care of. So, as he left to go and deal with the

16 managers with his security team, I heard him saying "I'm

17 sorry, I'll take care of it", stuff to that effect.

18 Q. So that was what Mr. Depp said. Did Ms. Heard say anything

19 about what had happened?

20 A. She had said something to the effect of "He walked it last

21 night, look what he did, he was so mad." I had heard

22 screaming the night before, the yelling, but I never came out

23 of my trailer because it stopped, it sounded like they were

24 taken to their trailer, separated from the group, so I did not

25 come out to witness it in person.

[Page 2242]

1 SEXTON - WASS

2 Q. Did Ms. Heard say anything to you about what had happened the

3 previous night?

4 A. She said to me he had torn the trailer apart.

5 Q. She said he had torn the trailer apart?

6 A. Yes.

7 Q. Anything else that you remember about what was said?

8 A. I do not recall anything else.

9 Q. All right. Now, I think you were asked questions about

10 Mr. Depp's finger in your deposition that you made. Do you

11 remember being asked about that? You were asked about ----

12 A. Yes, ma'am.

13 Q. What I am going to do is ask you to look at the deposition

14 again. This was made in December of last year. What we see

15 is, it is a document at F553 at the bottom.

16 MR. JUSTICE NICOL: Remind me the tab number, please?

17 MS. WASS: I think it is tab 5 or 6. They are both -- 106 or 105.

18 They are both next to each other, but the bottom pagination

19 follows through.

20 MR. JUSTICE NICOL: What was the page number?

21 MS. WASS: F553. I am told it is 106. But it is F553 at the

22 bottom. Ms. Sexton, do you have that?

23 THE WITNESS: Yes, ma'am.

24 MR. JUSTICE NICOL: Yes.

25 MS. WASS: You were asked about page 148 of the internal pages.

[Page 2243]

1 SEXTON - WASS
2 Do you remember?
3 THE WITNESS: Yes.
4 Q. What you were asked to confirm, at line 18, was this answer:
5 "She didn't indicate that he cut off...(reads to the
6 words)... It didn't indicate that he had in any way purposely
7 cut himself." Can you go over the page, please?
8 MR. JUSTICE NICOL: This is internal 149.
9 MS. WASS: Yes, exactly. "Before today, had you heard the
10 allegation that Mr. Depp has made that in fact it was
11 Ms. Heard that threw a bottle of vodka at him and that is what
12 severed the finger?" You said: "Not before today." Is that
13 correct? (Pause) I think the screen might have frozen,
14 my Lord.
15 MR. JUSTICE NICOL: Just a minute. Ms. Sexton, can you hear me
16 again? Oh dear, we are going to need assistance. (Pause)
17 (Link with Australia frozen)
18 MR. JUSTICE NICOL: Now, just a moment, please. Could the lady in
19 front of -- do we have sound with Australia? (Pause)
20 Ms. Sexton, just a moment, please -- oh. (Pause)
21 Ms. Wass, I am told that there are difficulties in
22 making the connection.
23 MS. WASS: I am going to ask if we can try a little bit longer
24 before abandoning this.
25 MR. JUSTICE NICOL: Of course.

[Page 2244]

1 SEXTON - WASS
2 MS. WASS: Because this is an important ----
3 MR. JUSTICE NICOL: Yes.
4 MS. WASS: Could I invite my Lord to rise, rather than us simply
5 sitting here in expectation. It may be simpler just to wait
6 until we can get the connection.
7 MR. JUSTICE NICOL: Yes. Right. I will rise while efforts are
8 made to reconnect.
9 (A short break)
10
11 MR. JUSTICE NICOL: Yes. I am sorry for that hiatus, Ms. Sexton.
12 Can you hear me now?
13 THE WITNESS: Yes, sir, I can.
14 MR. JUSTICE NICOL: We lost the connection when Ms. Wass was
15 asking her last question, so I am going to ask her to repeat
16 it, please.
17 MS. WASS: Ms. Sexton, I was asking you to look at your deposition
18 that you made in December of last year, and had you located
19 the page that you had been asked about before, which was
20 internal page 148?
21 THE WITNESS: Yes.
22 Q. I was going to ask you to look at the following page, which is
23 over the large page, and internal page 149. When you were
24 asked this question. "Before today, had you heard the
25 allegation that Mr. Depp has made that in fact it was

[Page 2245]

1 SEXTON - WASS
2 Ms. Heard who threw a bottle of vodka at him and that is what
3 severed his finger?" And your answer was: "Not before today."
4 A. Yes.
5 Q. Is that correct?
6 A. Yes.
7 Q. And that would be 18th December 2019?
8 A. Yes.
9 Q. Can I ask you, when Ms. Heard first spoke to you about the
10 events of Australia during which Mr. Depp's finger was cut;
11 when did she tell you ----
12 A. (Unclear)
13 Q. Can you hear me all right? Yes.
14 A. Yes, ma'am.
15 Q. The question is, you were asked the questions about the
16 finger, all right? Did Ms. Heard ever tell you anything else
17 about what had happened in Australia at the time Mr. Depp's
18 finger was injured?
19 A. As we established before, she told me about what happened in
20 Australia initially, in late 2016, and then I heard further
21 information that was in confidentiality in August of last
22 year.
23 Q. When did you first become aware that anything had happened in
24 Australia, and I am talking about Australia 2015; all right?
25 A. Uh-huh.

[Page 2246]

1 SEXTON - WASS
2 Q. When was the first time -- sorry?
3 A. When she returned from Australia?
4 Q. Yes.
5 A. She had said that they had had a horrible time and they were
6 fighting the entire time.
7 Q. Pausing there a second. I am asked to repeat this, my Lord,
8 because the transcribers are finding it difficult to hear.
9 She said that they had a horrible time in Australia, they were
10 fighting the entire time; is that what you have said?
11 A. Yes.
12 Q. How much detail did she give you?
13 A. At that time, the initial, she told me that Johnny had gone on
14 a bender.
15 Q. Yes.
16 A. And they had a fight. Yes. They had been fighting the entire
17 time, she tried to leave and she was not allowed to leave.
18 Q. Pause. They had been fighting the entire time, she wanted to
19 leave, but she was not allowed to leave. Go on?
20 A. Yes.
21 Q. Go on, please.
22 A. I know for sure that is what she told me then. Beyond that,
23 the confidentiality stuff, again that was not until last year.
24 Q. I am not asking you about the confidentiality stuff at all.
25 You said that Ms. Heard told you this information when she

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1 SEXTON - WASS
 2 came back from Australia?
 3 A. Yes.
 4 Q. All right. You have said in answer to Ms. Laws that you had
 5 no reason to disbelieve what Ms. Heard was saying. Do you
 6 remember giving that evidence?
 7 A. You cut out briefly, I believe you said that I had no reason
 8 to disbelieve Ms. Heard?
 9 Q. Yes. Do you remember saying to Ms. Laws, the other barrister,
 10 you had no reason to disbelieve Ms. Heard?
 11 A. Yes, I remember saying that.
 12 Q. Did you notice any injuries on Ms. Heard when she was telling
 13 you what had happened in Australia?
 14 MR. JUSTICE NICOL: Well, now, does this arise out of
 15 cross-examination?
 16 MS. WASS: The suggestion is that this, although -- yes, it does.
 17 Because the question was asked in the way that Ms. Sexton
 18 never was told about the beatings or the violence, that is
 19 quite different from saying there were no signs of injury, as
 20 my Lord will know from having read the statement.
 21 MR. JUSTICE NICOL: Well, just a minute, Ms. Laws. Ms. Wass,
 22 I have to be careful, and I am not sure -- I do not think that
 23 Ms. Laws asked any questions about seeing and whether
 24 Ms. Sexton saw any injuries on Ms. Heard. I do not think
 25 therefore you are entitled to re-examine on that topic.

[Page 2248]

1 SEXTON - WASS
 2 MS. WASS: Well, if that remains unchallenged, then I will not
 3 re-examine ----
 4 MR. JUSTICE NICOL: That is the point that I think decides that
 5 you are not entitled to re-examine on this.
 6 MS. WASS: Yes, I entirely agree.
 7 MR. JUSTICE NICOL: All right. Yes. What is the next point?
 8 MS. WASS: (To the witness) Can I then just move to April 2016,
 9 and what you were told by Ms. Heard about what had happened at
 10 her birthday party. It was suggested to you that you were not
 11 told anything about violence until after May 2016. Could you
 12 please tell us what you were told in April 2016 by Ms. Heard?
 13 THE WITNESS: In April 2016, after birthday, she started to open
 14 up and tell me that he had been hitting her and I think she
 15 told me then that he had slapped her and tried to strangle
 16 her.
 17 Q. Right. Was that the first time you had heard anything like
 18 that?
 19 A. About the physical violence? Yes. I had asked her before,
 20 and she would not answer me. She would look away and, so
 21 I had a feeling that it was happening, but she did not
 22 verbally confirm it until then.
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 24 MS. WASS: Pause there. You said you had asked her before, but
 25 she would not answer you. When had you asked her before?

[Page 2249]

1 SEXTON - WASS
 2 THE WITNESS: She was preparing her an audition, I want to say a
 3 month or two before that, somewhere in that timeline for a
 4 film called Blonde, and she was behaving very strangely and
 5 covering part of her face. And I asked her has he been
 6 hitting you and she could not say anything, she just looked
 7 down and away. So, to me, I thought, I suspected that that is
 8 what was happening, and I started to suggest and asked if they
 9 were going to therapy still. I asked if she felt safe.
 10 I asked if there was anything I could do. But I did not know
 11 what else to do, because she did not verbally confirm it until
 12 some time later.
 13 Q. You said in answer to Ms. Laws that when you had a
 14 conversation with Ms. Heard, you felt you could have done
 15 more. Do you remember saying that?
 16 A. Yes.
 17 Q. Could I ask you what you meant by that?
 18 A. Well, I have now learned a great deal more about domestic
 19 violence, and as I have learned, I was ----
 20 MR. JUSTICE NICOL: Just a minute, Ms. Sexton. Ms. Wass, again,
 21 I am not sure that this is going to assist me further.
 22 MS. WASS: Well, my Lord is in the best position to know whether
 23 it will assist or not. I will deal with it from another angle
 24 in that case.
 25 MR. JUSTICE NICOL: Yes, please do that.

[Page 2250]

1 SEXTON - WASS
 2 MS. WASS: Ms. Sexton, you were challenged by Ms. Laws, when you
 3 say in your statement that Mr. Depp was controlling. Do you
 4 remember that?
 5 THE WITNESS: Yes.
 6 Q. It was suggested that you were not correct, and in fact,
 7 Mr. Depp was giving Ms. Heard extremely good advice about her
 8 career. Can I ask you, from your perspective, as her acting
 9 coach, how committed did Mr. Depp appear to be of Ms. Heard's
 10 career?
 11 A. The only time I heard him talking about her career, he would
 12 be disparaging the roles that she was going out for, and
 13 saying "This is a trash, this is a piece of crap", and I did
 14 not speak with him directly about her career in any regard,
 15 and that was me overhearing their conversations. Then she
 16 would tell me she could not go up for certain roles or that we
 17 would have to coach this in secrecy, because Johnny would be
 18 angry if he knew she was reading for this role and such. So
 19 she started hiding things that she wanted to go out for, or
 20 scripts that she liked, because she said he did not approve.
 21 Q. Finally this, you were asked about Ms. Heard and how much
 22 makeup she wore.
 23 A. Yes.
 24 Q. I do not know how much involvement you have had in the makeup
 25 side of the film industry. Can you tell us?

<p style="text-align: right;">[Page 2255]</p> <p>1 APPLICATION</p> <p>2 might do in the course of legal proceedings or a police</p> <p>3 interview, is risible. This is a lighthearted exchange.</p> <p>4 There is no evidence of any injuries and it will take the</p> <p>5 matter no further whatsoever. We say that not only is this</p> <p>6 late disclosure, but it is meaningless and will simply provide</p> <p>7 a diversion to these proceedings.</p> <p>8 MR. SHERBORNE: It cannot be late. It was provided to us, as</p> <p>9 your Lordship knows, yesterday, with the date that I explained</p> <p>10 when I opened this application, which is 2006-2007. Ms. Wass</p> <p>11 is right ----</p> <p>12 MR. JUSTICE NICOL: 2006?</p> <p>13 MR. SHERBORNE: 2006-2007. That is what we are told. Ms. Wass is</p> <p>14 right when she says ----</p> <p>15 MR. JUSTICE NICOL: Just a minute. Told by -- I mean, have I got</p> <p>16 any evidence as to what date the film was, or what date the</p> <p>17 incident is being talked about?</p> <p>18 MR. SHERBORNE: My Lord, all we know at the moment, given that</p> <p>19 Ms. Whitney Heard is about to be re-examined, all we have been</p> <p>20 able to establish so far are the circumstances in which it was</p> <p>21 filmed, namely, 2006-2007.</p> <p>22 MR. JUSTICE NICOL: Just a minute. (Pause) Is there evidence</p> <p>23 about the date of the film? I am not saying that that is</p> <p>24 final. I just want to know if there is.</p> <p>25 MR. SHERBORNE: No, I understand. My Lord, at the moment, we</p>	<p style="text-align: right;">[Page 2257]</p> <p>1 APPLICATION</p> <p>2 truth or dare, did you really start the fight with your sister</p> <p>3 or did she start it, for real, for real, for real?"</p> <p>4 Ms. Whitney Heard says, "We're not going to talk about that."</p> <p>5 Then the same female says, "She really did whip your butt."</p> <p>6 "We're not talking about it."</p> <p>7 Then you will see that she inspects on the actual video</p> <p>8 Whitney Heard's body. She points to her neck area, where you</p> <p>9 can see that there is an injury, and then she inspects her</p> <p>10 arm. You will see that Whitney Heard shows her arm. Far from</p> <p>11 suggesting this was all nonsense, she actually visibly</p> <p>12 demonstrates her arm and elbow to show the injuries which are</p> <p>13 being examined.</p> <p>14 In my submission, it cannot possibly be said that there</p> <p>15 were no injuries or that Ms. Whitney Heard is somehow being</p> <p>16 lighthearted or there is nothing to see. Obviously, if that</p> <p>17 is the evidence she wants to see, then she can give it, but in</p> <p>18 my submission, given the importance of the issue of whether</p> <p>19 her sister was violent, it is an issue which your Lordship --</p> <p>20 I understand it may not be in the Lucas-Box meaning, but it is</p> <p>21 something that is relied on in the particular justification,</p> <p>22 this issue, as is the response.</p> <p>23 The parties' cases will be, as you have heard, that</p> <p>24 Ms. Amber Heard says that she was never violent towards</p> <p>25 Mr. Depp, and the only time that she physically hit him was on</p>
<p style="text-align: right;">[Page 2256]</p> <p>1 APPLICATION</p> <p>2 cannot take it any further than it was in 2006-2007 that this</p> <p>3 was filmed. It is right that it was filmed as part of, as we</p> <p>4 understand it, a television programme, but the footage</p> <p>5 your Lordship sees was not footage to be broadcast; it was</p> <p>6 simply material that was, as we understand it, recorded. It</p> <p>7 is not scripted and it is not part of what was meant to be in</p> <p>8 the broadcast. So, it is the rushes. As we understand it, it</p> <p>9 is part of just the general recording, but was not meant to be</p> <p>10 part of the footage that was broadcast.</p> <p>11 There is nothing, in my submission, lighthearted about</p> <p>12 it at all. It is quite clearly stated that all of those</p> <p>13 present knew that Ms. Amber Heard had beaten up Ms. Whitney</p> <p>14 Heard. She does not deny it. She simply says that she does</p> <p>15 not want to talk about it.</p> <p>16 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>17 MR. SHERBORNE: If you follow the transcript through, she admits</p> <p>18 to an altercation, but says that she does not want to talk</p> <p>19 about it any more. "I have already talked about it", she</p> <p>20 says, as you will see just above the first hole punch,</p> <p>21 "I won't talk about it any more." That is why those that you</p> <p>22 see on camera already knew about it.</p> <p>23 One of the females says, "I can't believe Amber beat</p> <p>24 your arse. I know you could beat her arse." Then she says,</p> <p>25 "We're not going to talk about it." Then you see, "Whitney,</p>	<p style="text-align: right;">[Page 2258]</p> <p>1 APPLICATION</p> <p>2 that occasion when Whitney Heard was with her and she did it</p> <p>3 in self-defence. That account of their relationship, which</p> <p>4 goes right to the heart of the issue, is something that</p> <p>5 Ms. Whitney Heard is here to support. Our case is that she,</p> <p>6 as you have seen and heard, has lied in order to support her</p> <p>7 sister on this very important issue of what happened on the</p> <p>8 stairs in March 2015, but as well, more generally, on her</p> <p>9 sister being violent as opposed to Mr. Depp being violent.</p> <p>10 In those circumstances, my Lord, we say it is evidence</p> <p>11 which we are entitled to show and evidence that we are</p> <p>12 entitled to put to Whitney Heard, particularly given what she</p> <p>13 said yesterday. That is why we were provided with the</p> <p>14 material, I presume, from an anonymous source, who has wished</p> <p>15 to protect their anonymity, given the fact that, I suspect, it</p> <p>16 will become otherwise ----</p> <p>17 MR. JUSTICE NICOL: Mr. Sherborne, what you suspect does not help</p> <p>18 me one way or another.</p> <p>19 MR. SHERBORNE: Your Lordship is right. I understand. In my</p> <p>20 submission, this is a line of questioning that will take</p> <p>21 relatively little time. Your Lordship has already seen the</p> <p>22 video. Ms. Wass has seen the video now. As I say, it has</p> <p>23 taken a rather long time for something that, in my submission,</p> <p>24 can be dealt with very quickly and will be. We would be</p> <p>25 entitled to rely on this as part of our case, and we will do.</p>

<p style="text-align: right;">[Page 2259]</p> <p>1 APPLICATION</p> <p>2 MR. JUSTICE NICOL: So the present application is for you to</p> <p>3 reopen the cross-examination of Whitney Heard.</p> <p>4 MR. SHERBORNE: Yes, permission to ask her a number of questions.</p> <p>5 MR. JUSTICE NICOL: To reopen the cross-examination; that is what</p> <p>6 you need to be able to do.</p> <p>7 MR. SHERBORNE: Yes. Technically, if you rule that</p> <p>8 cross-examination has ended ----</p> <p>9 MR. JUSTICE NICOL: It has ended.</p> <p>10 MR. SHERBORNE: Yes, it has, but re-examination has not started.</p> <p>11 MR. JUSTICE NICOL: It has ended and therefore you need permission</p> <p>12 to reopen the cross-examination.</p> <p>13 MR. SHERBORNE: Of course. It is a matter for your Lordship.</p> <p>14 That is our application.</p> <p>15 MR. JUSTICE NICOL: Mr. Sherborne is applying to reopen the</p> <p>16 cross-examination of Whitney Heard. The re-examination has</p> <p>17 not yet commenced. He wishes to put to Whitney Heard a film</p> <p>18 clip that he tells me has been recently, very recently, made</p> <p>19 available to the claimant's legal team in which there are</p> <p>20 questions put to Whitney Heard about whether she had suffered</p> <p>21 an assault from her sister.</p> <p>22 I am doubtful as to whether this is going to take the</p> <p>23 matter very much further, but since I am the trial judge and</p> <p>24 since it will be for me to make any further assessment, and</p> <p>25 since Whitney Heard has not yet begun her re-examination,</p>	<p style="text-align: right;">[Page 2261]</p> <p>1 APPLICATION</p> <p>2 legal team.</p> <p>3 MR. JUSTICE NICOL: Let us leave aside the question of the</p> <p>4 argument put on equality of arms. What do you want to say</p> <p>5 about whether Ms. Heard should be able to view the video</p> <p>6 before the cross-examination has resumed?</p> <p>7 MR. SHERBORNE: We say she should not be able to. There is a</p> <p>8 material difference between a witness statement and a</p> <p>9 document. A number of documents have been provided by the</p> <p>10 defendants. This is not a "sauce for the goose" argument,</p> <p>11 I should say, before I make it. A number of documents were</p> <p>12 put to Mr. Depp, or other witnesses, without them having had</p> <p>13 an opportunity to see them in advance. One can understand why</p> <p>14 that is the right approach. That is an approach that has been</p> <p>15 adopted and we say it would be quite different and wrong in</p> <p>16 principle for Whitney Heard to see this and to have the</p> <p>17 ability to tailor -- I am going to say it -- tailor her</p> <p>18 evidence with the benefit of an opportunity to think about</p> <p>19 this. She must know what this is. She is there on camera.</p> <p>20 It is hardly likely she is going to have to perform a great</p> <p>21 act of memory to ----</p> <p>22 MR. JUSTICE NICOL: You have told me this was 2006 or 2007. That</p> <p>23 is a while ago.</p> <p>24 MR. SHERBORNE: My Lord, the incident on the stairs, which she</p> <p>25 seems to remember with great clarity, is 2015 ----</p>
<p style="text-align: right;">[Page 2260]</p> <p>1 APPLICATION</p> <p>2 I will allow brief questions to be put to her, she having had</p> <p>3 a chance to see this film.</p> <p>4 MS. WASS: My Lord, could I make an application that Ms. Whitney</p> <p>5 Heard should be allowed to see this in advance of her being</p> <p>6 shown it in court for the first time, together with the</p> <p>7 transcript, in order to have an opportunity to try and</p> <p>8 remember, if she can, what this incident is about? As far as</p> <p>9 things stand at the moment, she has no idea that she is going</p> <p>10 to be asked questions about this.</p> <p>11 When Mr. Depp was giving evidence, my Lord gave him</p> <p>12 permission to speak to his lawyers about new material that had</p> <p>13 been served in respect of a witness statement by</p> <p>14 Ms. Amber Heard and this is only a question of equality of</p> <p>15 arms. She ought not to be in a position where this is an</p> <p>16 ambush thrown at her when the reality might be that, given a</p> <p>17 few moments' thought, she may have a recollection about this,</p> <p>18 which given the fact she will be seeing it first in court, if</p> <p>19 my Lord is against this application, will put her at a</p> <p>20 disadvantage.</p> <p>21 MR. JUSTICE NICOL: Mr. Sherborne?</p> <p>22 MR. SHERBORNE: My Lord, I do not know whether Ms. Whitney Heard</p> <p>23 has had an opportunity to look at this or not. What I will</p> <p>24 say is this. Ms. Wass referred, as I suspected she was going</p> <p>25 to, to Mr. Depp being given an opportunity to speak to his</p>	<p style="text-align: right;">[Page 2262]</p> <p>1 APPLICATION</p> <p>2 MR. JUSTICE NICOL: Mr. Sherborne, those are comments that can be</p> <p>3 made in due course. It seems to me that the decision to allow</p> <p>4 her to be cross-examined ought to be accompanied by a suitable</p> <p>5 opportunity to view the video in advance and that is what I am</p> <p>6 going to say can happen. Now, the mechanics of it happening</p> <p>7 may need some thought.</p> <p>8 MR. SHERBORNE: And I understand ----</p> <p>9 MR. JUSTICE NICOL: Because she is still under the obligation not</p> <p>10 to talk to anybody about her evidence, but somebody needs to</p> <p>11 say to her that I have allowed the cross-examination to be</p> <p>12 reopened and for this piece of film to be put to her.</p> <p>13 MR. SHERBORNE: My Lord, Ms. Wass has a junior. I am sure her</p> <p>14 junior can do that exercise.</p> <p>15 MS. WASS: As far as mechanics are concerned, it may not be</p> <p>16 anybody from the defendants' team, but there are people at</p> <p>17 court, non-witnesses, lawyers, who would be in the best</p> <p>18 position to ----</p> <p>19 MR. JUSTICE NICOL: I think it does need to be a lawyer because it</p> <p>20 needs to be somebody who understands that this is a sensitive</p> <p>21 exercise and nothing must be said to her other than ----</p> <p>22 MR. SHERBORNE: Can I make a suggestion, my Lord? It may be</p> <p>23 practical. If your Lordship rises, perhaps Ms. Whitney Heard</p> <p>24 could watch it in court? It is only a suggestion as a</p> <p>25 practical way ----</p>

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1 APPLICATION

2 MR. JUSTICE NICOL: That may be an alternative.

3 MS. WASS: It may be an alternative to watch it in privacy of a

4 laptop. This is all available on a laptop and it may be that

5 it would be more suitable if it is done in private, with a

6 lawyer, and obviously with the usual caveats about what can

7 and cannot be spoken about.

8 MR. JUSTICE NICOL: I am not going to get into prescriptive

9 details about quite how it is shown. It may be shown to her.

10 It should be shown to her at least in the presence of a lawyer

11 who can be trusted to not talk to her about the evidence, but

12 to explain to her that this is going to be the subject of some

13 further questions by Ms. Laws. All right. Now, where are we?

14 MS. WASS: I would ask that we are given fifteen minutes to deal

15 with this, and reconvene at ten to one.

16 MR. JUSTICE NICOL: All right. But time is pressing. Ten to one,

17 then.

18 (A short break)

19 MR. JUSTICE NICOL: Ms. Laws.

20 MS. LAWS: My Lord, if I may cross-examine on the topic permitted.

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[Page 2264]

1 HENRIQUEZ

2 MS. WHITNEY HENRIQUEZ, RECALLED

3 FURTHER CROSS-EXAMINATION BY MS. LAWS

4 Q. Ms. Henriquez, I think you have had a chance to view a video

5 short clip outside court just now; is that right?

6 A. Yes, ma'am.

7 Q. And you have reminded yourself what it is all about?

8 A. Yes, ma'am.

9 Q. Can I just remind you of your evidence yesterday, where you

10 gave answers in relation to violence, that you had only seen

11 your sister hit Mr. Depp once, and that was in self-defence

12 and that your sister had never been violent or hit you. Do

13 you remember saying that?

14 A. Yes, ma'am.

15 MS. LAWS: The clip you have just seen, I am going to ask for it

16 be played now please.

17 (Video clip shown to the court)

18 MS. LAWS: That is you in the clip that is inspected for injuries

19 there, is it not?

20 A. Yes.

21 Q. What you were being asked by the ladies on that clip was about

22 a fight between you and your sister, was it not?

23 A. It was about -- first of all, that was a really bad reality

24 show that ----

25 MR. JUSTICE NICOL: Slow down a minute, please. (Pause)

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1 HENRIQUEZ - LAWS

2 A. We were referencing a verbal argument that my sister and I got

3 into the night before.

4 MR. JUSTICE NICOL: You were referencing a verbal argument. Yes.

5 MS. LAWS: A real argument that, in fact, you must have described

6 to them off camera, which is why they were able to talk about

7 it on camera?

8 A. I did not discuss anything other than a verbal argument with

9 my friends off camera.

10 Q. What we can hear one of the ladies saying is: "I cannot

11 believe Amber beat your arse, I know you could beat her arse",

12 and you say, several times, "We're not going to talk about

13 it"; did you hear that?

14 A. I did.

15 Q. What they are talking, or what you are being told or asked

16 about is the fact that you had been talking about a physical

17 fight?

18 A. I was not talking about a physical fight. That was that

19 person inferring and trying to make a story line, albeit a bad

20 one, interesting, nothing more.

21 Q. They go on to say: "She really did whip your butt", and comes

22 and has a look at you; we can see that on the screen, can we

23 not?

24 A. Again, she was trying to create a narrative and a story that

25 was not there, trying to make a very, very boring conversation

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1 HENRIQUEZ - LAWS

2 more interesting.

3 Q. We then see her looking at your face, do we not?

4 A. Yes.

5 Q. We see her holding on to your chin, as if you are injured, do

6 we not?

7 A. You do not see any injuries there.

8 MR. JUSTICE NICOL: Just a minute. (Pause)

9 MS. LAWS: She is holding on to your chin, and remarking on the

10 fact that you have got marks on you, effectively, is she not?

11 THE WITNESS: I do not think she refer to any marks on my face.

12 Q. All you say is, "We're not talking about it"?

13 A. Correct.

14 MR. JUSTICE NICOL: Just a minute. (Pause)

15 MS. LAWS: You do not say, "What are you talking about? We just

16 had a row."

17 A. I had no interest in bringing a personal fight with my sister,

18 a verbal argument with my sister, a very personal matter to

19 me, on camera. That is all I was doing. I had no interest in

20 doing that.

21 Q. I suggest that is a lie, is it not?

22 A. I disagree with that statement.

23 Q. What you can see on the camera is a mark on your chest?

24 A. You do not see a mark on my chest.

25 Q. And you can see her inspecting you, can you not?

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1 HENRIQUEZ - LAWS
 2 A. Again, looking for injuries that were not there, trying to
 3 create a narrative, to make something more interesting, to
 4 make something out of nothing.
 5 MR. JUSTICE NICOL: Just a minute. (Pause)
 6 MS. LAWS: What you do not say is what you just said from the
 7 witness box, "What are you talking about? You're making
 8 something out of nothing. Where have you got all that from?"
 9 A. I believe I already addressed that. I wanted to shut the
 10 conversation down. I had no interest in talking about that on
 11 camera.
 12 Q. The reason you are shutting that conversation down is because
 13 you had had a physical fight with your sister, where she got
 14 the better of you?
 15 A. That is untrue.
 16 MR. JUSTICE NICOL: Just a minute.
 17 THE WITNESS: Again, I did not want to bring a personal verbal
 18 argument on to the camera, into that set, I just did not want
 19 that.
 20 MR. JUSTICE NICOL: Just a minute. (Pause)
 21 MS. LAWS: There would be no reason for you not to simply say,
 22 "What are you talking about? It's a row."
 23 THE WITNESS: That is untrue. There are plenty of reasons why
 24 I would not want to discuss that.
 25 MR. JUSTICE NICOL: Just a minute. (Pause)

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1 HENRIQUEZ - LAWS
 2 MS. LAWS: I suggest that is a lie.
 3 THE WITNESS: I disagree with that.
 4 MS. LAWS: Thank you, my Lord.
 5 MR. JUSTICE NICOL: Right. Now, Ms. Wass, five minutes, do you
 6 wanted to take five minutes now?
 7 MS. WASS: I will take five minutes, if I may, and then give
 8 my Lord an indication of how much longer I have.
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[Page 2269]

1 HENRIQUEZ
 2 RE-EXAMINED BY MS. WASS
 3 Q. I want to ask you, please, about the painting incident. Do
 4 you remember the evidence about that? You have had to
 5 reconsider the dates that were in your original statement. We
 6 are now in 2020. Can you remember the first time you learned
 7 that you might be a witness for your sister in any proceedings
 8 which involved recalling the events of March 2013?
 9 A. I believe some time last year.
 10 Q. So, 2019?
 11 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 12 MS. WASS: Was that the first time you had to think about the
 13 incidents of what has been termed as the painting incident?
 14 THE WITNESS: Yes, ma'am.
 15 Q. How sure are you of the events themselves that you have
 16 described?
 17 A. 100% certain of the events.
 18 Q. As far as the dates were concerned, how did you determine in
 19 your first statement the date of 8th March; are you able to
 20 say?
 21 A. I just tried to recall from my memory, my recollection, but at
 22 that point not much else to go off of.
 23 Q. At what stage was it that you reconsidered whether the date
 24 was correct or not?
 25 A. It was very recently. Again, because I was actually just

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1 HENRIQUEZ - WASS
 2 going through text messages from somebody else entirely.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 4 MS. WASS: You said in answer to Ms. Laws that somebody else
 5 entirely was Nathan Holmes; is that correct?
 6 THE WITNESS: Yes, ma'am.
 7 Q. Tell us then, you went through the texts of Nathan Holmes, and
 8 what happened then?
 9 A. I came across a message about, you know, get Johnny something
 10 from McDonald's, something to that effect, and it just sparked
 11 my memory of that incident, the painting incident, and then
 12 I flicked to see the date, that is all.
 13 MR. JUSTICE NICOL: Just a minute. (Pause)
 14 MS. WASS: As a result of that, looking at the date of the
 15 McDonald's texts with Mr. Holmes, did you revisit your ----
 16 MR. JUSTICE NICOL: Now.
 17 MS. WASS: All right. I think the point ----
 18 MR. JUSTICE NICOL: Ms. Wass, you have elicited the evidence you
 19 need on that topic.
 20 MS. WASS: (To the witness) It was suggested to you yesterday that
 21 you and your sister realised that you had made a mistake about
 22 the dates because of what was called disclosure in this case.
 23 Do you remember being asked questions about that, documents
 24 being disclosed?
 25 THE WITNESS: Yes, ma'am.

[Page 2271]

1 HENRIQUEZ - WASS
 2 Q. Do you remember being shown a photograph of Amber with an
 3 older man with white hair, and you said you did not know who
 4 he was?
 5 A. Yes, ma'am.
 6 Q. Are you aware of any disclosure that was done via the lawyers
 7 in this case; were you kept privy to that?
 8 A. I was not, honestly, and there are so many documents, so many
 9 things, I just, absolutely no way I was privy to that.
 10 Q. So, in terms of your recollection, you have told us that it
 11 was the telephone, your telephone information; was there
 12 anything other than the telephone information?
 13 MR. JUSTICE NICOL: Just a minute. (Pause) You are asking about
 14 telephone information. What telephone information?
 15 MS. WASS: She mentions a text.
 16 MR. JUSTICE NICOL: Text -- is your question about the text
 17 information?
 18 MS. WASS: Yes, or material on the telephone.
 19 THE WITNESS: In regards to clarifying the dating of the paint
 20 incident, really that was the main thing that kind of alerted
 21 me to that.
 22 Q. Could you please have a look at file 6, and go behind
 23 divider 148, please. Could you go to photograph F894.263A.
 24 A. 26 ----
 25 Q. 263A. That is an image ----

[Page 2272]

1 HENRIQUEZ - WASS
 2 MR. JUSTICE NICOL: Just a minute. Have you found the page? It
 3 is F894.263A.
 4 THE WITNESS: Sorry, I am not there yet. Now I am, yes.
 5 MS. WASS: It was suggested to you yesterday that this photograph
 6 was a set-up. Do you remember that?
 7 A. I do remember that.
 8 Q. I am going to ask you, please, to make a note of the time that
 9 it was taken, which is on 22nd March 2013 at 1.37. Can you
 10 keep that file out and go to file 7, please, and go behind
 11 divider 1C.
 12 A. Yes.
 13 Q. And you should have at 1C a series of text messages between
 14 yourself, described as "Sis", and Amber H; is that right?
 15 A. Yes.
 16 MR. JUSTICE NICOL: So this is beginning at H21A.11; is that
 17 right?
 18 MS. WASS: Exactly.
 19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 20 MS. WASS: So, could you go to the following page, H21A.12?
 21 A. Uh-huh.
 22 Q. There is a text, the second blue text down, from Amber Heard:
 23 "Let me know when you get here"?
 24 MR. JUSTICE NICOL: Just a moment. Do you agree that the blue
 25 boxes are Amber's?

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1 HENRIQUEZ - WASS
 2 A. Yes, my Lord.
 3 Q. Texts.
 4 MR. JUSTICE NICOL: Yes, the second one down: "Let me know before
 5 you get here"?
 6 MS. WASS: Then the next one after that, "Johnny is over still and
 7 we are fighting"; do you see that?
 8 A. Yes, ma'am.
 9 Q. And that is dated 22nd March 2013 at 3.08 p.m.?
 10 A. Yes.
 11 Q. Do you see that?
 12 A. Yes.
 13 Q. Going back to the photograph, bearing in mind the times of
 14 those texts, are you able to say whether you were present when
 15 the photograph which has been accused of being a set-up,
 16 whether you were present at Orange Avenue when that was taken?
 17 A. I was not there.
 18 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 19 MS. WASS: There is a tampon applicator, or what you have
 20 identified as a tampon applicator, in that photograph and
 21 I think you indicated that you had used that as a means to
 22 snort cocaine.
 23 A. Yes. When I did, yes.
 24 Q. When you did. Can I ask you, have you ever taken cocaine with
 25 Mr. Depp?

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1 HENRIQUEZ - WASS
 2 A. I have.
 3 MR. JUSTICE NICOL: Just a minute. (Pause)
 4 MS. WASS: When was the first time you took cocaine in your life?
 5 A. The first time in my life, not -- it was definitely out in
 6 Los Angeles. I would have to say maybe a few months before
 7 I met Johnny. I had only tried it a couple of times.
 8 MS. LAWS: My Lord, I do not know where these questions are going
 9 in terms of the issue in re-examination. I do not know how
 10 this is arising out of cross-examination, when this witness
 11 first started to take cocaine?
 12 MR. JUSTICE NICOL: I have anticipated that this is a precursor to
 13 a further question.
 14 MS. WASS: My Lord, it is. As far as taking cocaine ----
 15 MR. JUSTICE NICOL: Just a moment. Ms. Laws, I will hear the
 16 further question. If you consider that is inappropriate, then
 17 you can intervene.
 18 MS. LAWS: My Lord.
 19 MS. WASS: Had you taken cocaine with Mr. Depp before 22nd March
 20 2013?
 21 A. Yes, ma'am.
 22 Q. And as far as that is concerned ----
 23 MR. JUSTICE NICOL: Just a minute. Before 22nd March 2013, yes.
 24 MS. WASS: Did the tampon applicator play any part in the occasion
 25 when you took cocaine with Mr. Depp before 22nd March?

<p style="text-align: right;">[Page 2275]</p> <p>1 HENRIQUEZ - WASS</p> <p>2 A. Yes. The first time I did cocaine with Mr. Depp, I showed him</p> <p>3 that.</p> <p>4 Q. And what happened to the tampon applicator that you used on</p> <p>5 that occasion?</p> <p>6 A. The first time?</p> <p>7 Q. Or on any occasion?</p> <p>8 A. I gave it to him.</p> <p>9 Q. All right. Thank you very much. Just for the avoidance of</p> <p>10 doubt -- and this does not arise out of cross-examination, but</p> <p>11 if there is an objection, I will hear it -- has your sister</p> <p>12 ever taken cocaine ----</p> <p>13 MR. JUSTICE NICOL: Now, I think that it does not arise out of</p> <p>14 cross-examination.</p> <p>15 MS. WASS: All right. Can we then move on? My Lord, I am mindful</p> <p>16 ----</p> <p>17 MR. JUSTICE NICOL: It is that a convenient point?</p> <p>18 MS. WASS: It is a convenient point.</p> <p>19 THE WITNESS: Shall I put these away before we go?</p> <p>20 MS. WASS: Yes, that is probably a good idea. May I make an</p> <p>21 application -- nothing to do with any evidence in this case --</p> <p>22 on one occasion previously during this trial, my Lord allowed</p> <p>23 the court to remain open so that lawyers could look at their</p> <p>24 papers over the short adjournment. On the strict</p> <p>25 understanding that the court would not be unattended by</p>	<p style="text-align: right;">[Page 2277]</p> <p>1 HENRIQUEZ - WASS</p> <p>2 two. Ms. Henriquez, this is just a reminder, and you have</p> <p>3 heard it before, but you are still in the middle of giving</p> <p>4 your evidence. You must not talk or communicate with anybody</p> <p>5 else until you have completed your evidence. Do you</p> <p>6 understand?</p> <p>7 THE WITNESS: Yes, my Lord. Thank you.</p> <p>8 (Adjourned for a short time)</p> <p>9</p> <p>10 MR. JUSTICE NICOL: Yes.</p> <p>11 MS. WASS: Can I ask you, please, about paintings. Now, when you</p> <p>12 made your first witness statement, did you refer to any</p> <p>13 photographs of any paintings?</p> <p>14 THE WITNESS: I did not. Just my recollection.</p> <p>15 Q. I am going to ask you, please, to look at two documents. The</p> <p>16 first is in file 7. I think, my Lord, this is where we had</p> <p>17 some confusion about the pagination, but it is H23A?</p> <p>18 A. Which tab, sorry?</p> <p>19 Q. It is tab 2(i).</p> <p>20 A. Yes.</p> <p>21 MR. JUSTICE NICOL: Just a minute. (Pause) There is a 2B(i),</p> <p>22 I think; is that the one?</p> <p>23 MS. WASS: Is it a screenshot, my Lord, of a picture of</p> <p>24 flamingoes?</p> <p>25 MR. JUSTICE NICOL: It is.</p>
<p style="text-align: right;">[Page 2276]</p> <p>1 HENRIQUEZ - WASS</p> <p>2 anybody who has made the application, and I would include my</p> <p>3 team, we are very keen to have access to papers before we all</p> <p>4 break off after the evidence, and I would not to delay the</p> <p>5 court staff.</p> <p>6 MR. JUSTICE NICOL: You are talking about just over lunch.</p> <p>7 MS. WASS: Just over lunch.</p> <p>8 MR. JUSTICE NICOL: Well, somebody from the claimant's side will</p> <p>9 be present so that means somebody on their team being willing</p> <p>10 to -- Mr. Sherborne, you are rising.</p> <p>11 MR. SHERBORNE: I am rising, but I am not offering! I sure that</p> <p>12 can be done. I thought I understood Ms. Wass to be saying</p> <p>13 that everyone would want to get away quickly at the end of the</p> <p>14 evidence and therefore they cannot have access to papers.</p> <p>15 MR. JUSTICE NICOL: Let us just deal with lunch.</p> <p>16 MR. SHERBORNE: So I understand it to be that documents are just</p> <p>17 going to be taken out, not that anyone is sitting in here</p> <p>18 dealing with them. I asking for my own solicitors' benefit as</p> <p>19 to how long they will have to be here over the lunch</p> <p>20 adjournment.</p> <p>21 MS. WASS: Can I explain. I would like to spend the lunch</p> <p>22 adjournment in court going through my papers, please.</p> <p>23 MR. JUSTICE NICOL: Ms. Wass, that seems fair enough. Somebody</p> <p>24 from the claimant's team should be able to be in court, but</p> <p>25 yes, I understand. All right. Good. So I will say ten past</p>	<p style="text-align: right;">[Page 2278]</p> <p>1 HENRIQUEZ - WASS</p> <p>2 MS. WASS: That is the one. Thank you.</p> <p>3 MR. JUSTICE NICOL: So, H23.4A.</p> <p>4 MS. WASS: Can you also go to H23.4C, which is behind 2B(ii).</p> <p>5 A. H23.4B?</p> <p>6 Q. 4C. B and C show the same picture, do they not?</p> <p>7 A. I did not see the back. Yes.</p> <p>8 Q. So, looking at those together, that is to say, the ones that</p> <p>9 are dated 11th February 2014?</p> <p>10 A. Uh-huh.</p> <p>11 Q. And then the other one, which is 31st May 2013, can I ask you</p> <p>12 this? Are you able to say who painted those paintings?</p> <p>13 A. Those paintings? Yes, Tasya van Ree.</p> <p>14 Q. Was that both paintings?</p> <p>15 A. That is correct.</p> <p>16 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>17 MS. WASS: You have described a painting that was the subject of</p> <p>18 the incident when Ms. Heard ended up with a split lip. We</p> <p>19 have called it "the painting incident". Was either of these</p> <p>20 two paintings the subject of that argument, to the best of</p> <p>21 your knowledge?</p> <p>22 A. The first one, the bigger canvass that looks like flamingoes.</p> <p>23 Q. Mr. Hopp?</p> <p>24 A. Correct, the screen grab of the conversation between Mr. Hopp</p> <p>25 and I.</p>

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1 HENRIQUEZ - WASS
 2 Q. For the avoidance of doubt, who is Mr. Hopp?
 3 A. Johnny.
 4 Q. Mr. Depp. All right.
 5 MR. JUSTICE NICOL: Just a minute. Can I just go back to
 6 page H23.4A.
 7 MS. WASS: Yes. That is the Mr. Hopp painting.
 8 MR. JUSTICE NICOL: Well, the Mr. Hopp screen grab.
 9 MS. WASS: Yes.
 10 MR. JUSTICE NICOL: We have got the screen grab of the painting.
 11 Who sent that?
 12 A. I did, my Lord. In this conversation, the blue is me.
 13 Q. So you are the blue, are you?
 14 A. Yes, my Lord.
 15 MR. JUSTICE NICOL: Thank you.
 16 MS. WASS: Now, in that painting, so that we are clear, we can see
 17 a square white canvass, if you like. What appears to be in
 18 front of it?
 19 A. It was a bunch of boxes, storage. It is looks like a picnic
 20 basket, some sort of garment bag. This was inside of our
 21 garage at the time.
 22 Q. Is the bottom of the painting visible in that image?
 23 A. It is not. You cannot see a good portion of the bottom side.
 24 Q. Are you able to say which painting, one or both, were damaged
 25 at any stage?

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1 HENRIQUEZ - WASS
 2 A. This one was damaged the day of the painting incident.
 3 Q. And how, please?
 4 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 5 THE WITNESS: Johnny attempted to burn the backside of it with a
 6 cigarette lighter, but it did not work. Then the other
 7 painting ----
 8 MS. WASS: Pausing a second, so his Lordship can take a note.
 9 A. Sorry. (Pause)
 10 MR. JUSTICE NICOL: Just wait for the next question.
 11 MS. WASS: And the other painting?
 12 A. The only thing that he did is, he just wrote "P" on top of Van
 13 Ree.
 14 MR. JUSTICE NICOL: Just a moment. (Pause)
 15 MS. WASS: What was Mr. Depp's view of Ms. van Ree?
 16 A. He was not a fan. He was very jealous of all of her
 17 ex-partners, co-stars, everything that we have already
 18 discussed.
 19 Q. I am just wanting to know about Tasya van Ree?
 20 A. Sure.
 21 Q. I think you have answered the question.
 22 MR. JUSTICE NICOL: You said he was not a fan.
 23 A. He was not a fan.
 24 MR. JUSTICE NICOL: Thank you.
 25 MS. WASS: Now, in your statement, when you mentioned the Van Pee

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1 HENRIQUEZ - WASS
 2 alteration, Van Ree to Van Pee, were you trying to be
 3 deliberately misleading?
 4 A. Absolutely not. I simply just merged the two defacements, if
 5 you will, in one memory, that is all. It was an honest
 6 mistake.
 7 Q. Thank you. Now, it was suggested to you that even though your
 8 statement gives many examples of where you said that Ms. Heard
 9 had told you after incidents of violence, in fact you are
 10 lying about that, that she never told you any such thing. Do
 11 you understand?
 12 A. Correct. I disagree.
 13 Q. You were asked, well, if she had been complaining of violence,
 14 you would have had nothing to do with Mr. Depp. That was the
 15 suggestion; all right?
 16 A. It was.
 17 Q. What was your understanding of Ms. Heard's feelings towards
 18 Mr. Depp throughout the time that they were together, when you
 19 witnessed them together?
 20 A. Correct. She was madly in love. If I could go further to
 21 explain why, you know, because I understand the implication
 22 that if there was violence going on, and such, why would we
 23 stick around? I disagreed with that. It seemed to simplify a
 24 matter that was much greater than a yes or no answer.
 25 Obviously, Amber and I grew up in a very violent household and

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1 HENRIQUEZ - WASS
 2 my mother, to the day she died, she never left my father. We
 3 were taught ----
 4 MR. JUSTICE NICOL: Just a minute. (Pause) Your mother is now
 5 deceased, is she?
 6 A. Yes, my Lord.
 7 Q. Do you mind telling me when she died?
 8 A. Just this year, on April 1st.
 9 MR. JUSTICE NICOL: Thank you.
 10 THE WITNESS: She never left, she never even thought about
 11 leaving, she never tried to leave. We were taught that you
 12 stayed.
 13 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 14 MS. WASS: So, to the suggestion that if you had been told that
 15 Mr. Depp had been violent to your sister, you, Whitney, would
 16 not have had anything to do with Mr. Depp, what is your answer
 17 to that?
 18 A. Almost for the exact same reasons. We all met Johnny when he
 19 was sober. He was this kind, beautiful, big, generous human
 20 that we loved and we all just were so desperate for the fact
 21 that we wanted that Johnny to come back. We were holding on
 22 to the idea that he would get better, because he did get
 23 better for a period of time and then he would fall off the
 24 wagon again, and it was this cycle. Eventually, it became
 25 clear to all of us that he was not going to change and we were

[Page 2283]

1 HENRIQUEZ - WASS
 2 just going to get -- it was just going to get worse.
 3 Q. Finally, it has been suggested that you have come here to give
 4 false evidence to support your sister's case that she is a
 5 victim of domestic violence. What do you say about that?
 6 A. I am here because she was a victim of domestic violence, for
 7 no other reason. I am here to tell the truth and to do the
 8 right thing.
 9 Q. There is a final thing, please. Could you go to file 9,
 10 divider 91A?
 11 A. 91A?
 12 Q. 91A. There should be two images, J5.1 and J5.2. Do you see
 13 those two?
 14 A. I do.
 15 Q. J5.1, we have heard, we can see from the screen grab, is 23rd
 16 April, 2016. It is not disputed that this was taken at
 17 Coachella.
 18 A. Correct.
 19 Q. Could you look at J5.2, please?
 20 A. Yes.
 21 Q. Do you recognise yourself there?
 22 A. I do.
 23 Q. And perhaps you can just go round the table. Forget the man
 24 who is sticking his tongue out.
 25 A. Okay.

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1 HENRIQUEZ - WASS
 2 MS. LAWS: My Lord, I am not sure that this has arisen out of
 3 cross-examination. We have two more witnesses to get through.
 4 MR. JUSTICE NICOL: Yes. Is that out of cross-examination?
 5 MS. WASS: It is to do with the vomiting.
 6 MR. JUSTICE NICOL: Well, we have dealt with the picture with
 7 other witnesses, I think. If it does not arise out of
 8 cross-examination, you will have to deal with it another way.
 9 MS. WASS: Thank you very much. In that case, that is all I ask.
 10 Has my Lord any questions of this witness?
 11 MR. JUSTICE NICOL: Just a moment. (Pause).
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[Page 2285]

1 THE JUDGE
 2 QUESTIONS BY THE JUDGE
 3 Q. You and Ms. Heard are sisters?
 4 A. Yes.
 5 Q. It may sound an odd question, but you both had the same father
 6 and you both had the same mother?
 7 A. Yes, my Lord.
 8 Q. And you have told us that your mother died recently?
 9 A. Yes, my Lord.
 10 Q. Your father is still alive?
 11 A. Yes, my Lord.
 12 MR. JUSTICE NICOL: Thank you very much. Those are the questions
 13 that I had. Ms. Wass, do you have any as a result of mine?
 14 MS. WASS: No, thank you very much.
 15 MR. JUSTICE NICOL: Ms. Laws, do you have any as a result of mine?
 16 MS. LAWS: No.
 17 MR. JUSTICE NICOL: Ms. Henriquez, that brings your evidence to an
 18 end. Thank you very much for coming to give evidence. You
 19 may now leave the witness box.
 20 (The witness withdrew)
 21
 22 MS. WASS: My Lord I think the link is set up.
 23 MR. JUSTICE NICOL: Let me just check. I will rise for a few
 24 minutes.
 25 (A short break)

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1 PENNINGTON
 2 MS. RAQUEL PENNINGTON, CALLED
 3 (Via video link)
 4 MS. WASS: My Lord, Ms. Pennington is on the link. I would ask
 5 that she is sworn.
 6 MR. JUSTICE NICOL: Just a minute. (Pause) Ms. Pennington, can
 7 you hear me?
 8 THE WITNESS: Yes.
 9 MR. JUSTICE NICOL: First of all, thank you for coming and thank
 10 you for coming at what must be an inconvenient hour for you.
 11 Thank you for doing so. The first thing that is going to
 12 happen is that you must take either an oath or make an
 13 affirmation to tell the truth. It is a matter for you as to
 14 which you do. Which would you prefer?
 15 THE WITNESS: Affirmation, please.
 16 MR. JUSTICE NICOL: Would you listen to the usher as she takes you
 17 through the terms of the affirmation and repeat after her?
 18 THE WITNESS: Yes.
 19 MS. RAQUEL ROSE PENNINGTON, AFFIRMED
 20 EXAMINED BY MS. WASS
 21 MR. JUSTICE NICOL: Yes, Ms. Wass.
 22 MS. WASS: Is your name Raquel Rose Pennington?
 23 A. Yes.
 24 Q. And Ms. Pennington, I am going ask you to take your witness
 25 statement in this case. Do you have it in front of you or

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1 PENNINGTON - WASS
 2 would you like me to direct you to one of the files next to
 3 you?
 4 A. Please direct me.
 5 Q. Okay. Can you go to file 2.1?
 6 A. Okay, I have it.
 7 Q. It is tab 71.2.
 8 A. Okay, I am here.
 9 Q. Is that a document which says "Witness statement of Raquel
 10 Rose Pennington"?
 11 A. Yes.
 12 Q. Could you go to the back of that bundle, to page 10 of that
 13 statement, little 10 at the bottom. (Pause) It is my fault. I
 14 said go to the back of the section. I should have just said
 15 go to the back of the statement. So, page 10 at the bottom
 16 should have another number, E606.10?
 17 A. Yes, ma'am.
 18 Q. Does that last page bear your signature?
 19 A. Yes.
 20 Q. Dated 16th June 2020?
 21 A. Yes.
 22 Q. Are the contents of that witness statement true?
 23 A. Yes.
 24 MS. WASS: Thank you very much Ms. Pennington. Would you stay
 25 there. You are going to be asked some more questions.

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1 PENNINGTON
 2 CROSS-EXAMINED BY MS. LAWS
 3 MR. JUSTICE NICOL: Ms. Pennington, you are going to be asked some
 4 questions now by Ms. Laws QC, who represents the claimant,
 5 Mr. Depp. Yes, Ms. Laws.
 6 MS. LAWS: Ms. Pennington, can you see and hear me, please?
 7 THE WITNESS: Yes.
 8 Q. Thank you. Can you tell the court, please, when you first
 9 moved into the Eastern Columbia Building?
 10 A. I believe it was 2014.
 11 Q. When did you move out?
 12 A. 2016, I believe.
 13 Q. So you were there for two years, roughly?
 14 A. Roughly.
 15 Q. Throughout all of that time, Amber Heard was living there with
 16 you, in a different penthouse?
 17 A. Throughout most of the time, she was travelling, filming, so
 18 she would be in and out.
 19 Q. But it was her home?
 20 A. Yes.
 21 Q. And you lived there for a while, I think your partner moved
 22 in, Mr. Drew, as well?
 23 A. Correct. Yes, he was my partner at the time; no longer.
 24 Q. And the penthouses were all linked, were they not?
 25 A. Only three of the penthouses were linked.

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1 PENNINGTON - LAWS
 2 MR. JUSTICE NICOL: Just a minute. Only three?
 3 MS. LAWS: Which penthouse did you live in?
 4 THE WITNESS: I lived in PH1.
 5 Q. Which penthouse was that linked to?
 6 A. It was not linked to any of the other houses.
 7 Q. You had a master key, did you not?
 8 A. Correct.
 9 Q. And so did Mr. Drew?
 10 A. I believe I was the only one with the master key.
 11 Q. Were you living there rent-free?
 12 A. Yes.
 13 Q. Back in 2014, 2015 and 2016, you were very close with
 14 Amber Heard, were you not?
 15 A. Yes.
 16 Q. And whilst your penthouse was separate from her penthouse, you
 17 two spent a lot of time together?
 18 A. Correct.
 19 Q. And I think you would classify yourself as having been her
 20 best friend; would you agree?
 21 A. I would agree.
 22 Q. You are no longer best friends, are you?
 23 A. We are still close friends.
 24 Q. Do you feel stuck, in terms of having given an account in a
 25 statement that is not the truth? Let me put it another way.

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1 PENNINGTON - LAWS
 2 I am going to suggest you have lied in your statement in these
 3 proceedings about a number of things. Do you agree or
 4 disagree?
 5 A. I disagree.
 6 Q. I am going to suggest you were a part of Amber's team of
 7 supporters throughout 2015 and 2016?
 8 A. I supported her in 2015 and 2016.
 9 MR. JUSTICE NICOL: Just a minute. (Pause)
 10 MS. LAWS: Amber Heard regarded her friends as her team, did she
 11 not?
 12 THE WITNESS: That would be up to Amber to regard.
 13 Q. It is a phrase she used, is it not, about you all?
 14 A. Perhaps. I do not recall it being specifically used.
 15 Q. You have given an account of how you have seen, on occasions,
 16 injuries to Amber Heard, and I will come on to those. I am
 17 going to suggest that you have told lies or exaggerations in
 18 that regard. Do you agree or not?
 19 A. I do not.
 20 Q. At no stage did you ever see Mr. Depp hit or beat Amber Heard,
 21 did you?
 22 A. I did not see him beat or hit her.
 23 Q. When it comes to the incidents, I am going to ask you about
 24 Ms. Heard's return from Australia. In your statement, do you
 25 have file 2.1 out? It is the file you were taken to.

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1 PENNINGTON - LAWS
 2 A. Yes.
 3 Q. Tab 66, and if you would please go to page 11.
 4 MR. JUSTICE NICOL: Just a minute. (Pause)
 5 MS. LAWS: There is not a page 11, it is paragraph 11, sorry.
 6 MR. JUSTICE NICOL: Paragraph 11.
 7 MS. LAWS: Yes, page 3 of that document.
 8 MR. JUSTICE NICOL: E436.
 9 MS. LAWS: Yes.
 10 THE WITNESS: E436, paragraph 11.
 11 MS. LAWS: Do have you that?
 12 A. Yes.
 13 Q. What you have said about what you saw upon Ms. Heard's return
 14 is that she had gashes on her arms from the incident, and you
 15 could see for yourself that her forearms were scratched and
 16 bloody from her wrists to her elbows, and you say she still
 17 has scars on her arms from these incidents.
 18 MR. JUSTICE NICOL: Just a moment. This is paragraph 11, is it?
 19 MS. LAWS: Yes.
 20 MR. JUSTICE NICOL: "I told Amber that we needed to move out".
 21 MS. LAWS: I am looking at the witness summary, my Lord. I will
 22 move on to the statement. If we stay with the document you
 23 have in front of you, E436, and forget the question, and go to
 24 paragraph 10. Do you see that?
 25 THE WITNESS: Yes.

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1 PENNINGTON - LAWS
 2 MS. WASS: My Lord, would you give us a moment? (Pause)
 3 (Counsel confer)
 4 MS. LAWS: I am helped by my learned friend with references.
 5 MR. JUSTICE NICOL: I have paragraph 10 and paragraph 10 is indeed
 6 talking about Australia.
 7 MS. LAWS: Thank you. (To the witness) If you can have a look at
 8 paragraph 10. "The first time I became scared for her life
 9 was the Australia incident. As soon as she returned from
 10 Australia Amber came straight to the Eastern Building and told
 11 me all about how Johnny had held her against a counter top
 12 with broken glass everywhere." Do have you that paragraph
 13 there? "Slicing her arms and legs. She had cuts on her arms
 14 from the incident, which were more pronounced than they are
 15 now. Then Amber showed me pictures of the painted messages
 16 Johnny had written"; was that true?
 17 A. Yes.
 18 Q. You saw cuts on both arms?
 19 A. I saw cuts on both arms, but one arm was worse than the other.
 20 Q. What did you see on both arms, just describe it, please?
 21 A. So, from about the wrist to the elbow ---
 22 MR. JUSTICE NICOL: Just a minute. Ms. Pennington, what is going
 23 to be recorded is your verbal answers. So, just as you have
 24 done now, you will need to articulate what your response to
 25 the question is.

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1 PENNINGTON - LAWS
 2 THE WITNESS: Yes, sir.
 3 MR. JUSTICE NICOL: So, if you could just start again, you were
 4 asked what did you see, and you were telling us what you saw.
 5 A. Okay. What I saw were lacerations, deep scrapes or cuts from
 6 the length of her wrist to her elbow.
 7 MS. LAWS: And that is on both arms?
 8 A. It was on both arms, but I believe it was on one arm more than
 9 the other.
 10 Q. From her wrists to her elbows; is that right? Also, that her
 11 feet were cut as well?
 12 A. Her feet were cut, but I did not see them at that point in
 13 time because she had shoes on.
 14 Q. So, you are saying, are you, that it is the soles of her feet
 15 that were cut?
 16 A. Yes.
 17 Q. Describe what that looked like?
 18 A. Well, I believe it was a couple of days later, so they were
 19 healing, and to my recollection it was smaller cuts on the
 20 bottom of her feet.
 21 Q. Which of her feet, both of them or one of them?
 22 A. I think it was both.
 23 Q. On the heel? On the ball of her toes or all over? Which?
 24 A. I do not remember exactly which part of the foot.
 25 Q. Have you ever had to look at injuries on the soles of people's

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1 PENNINGTON - LAWS
 2 or a friend's feet before?
 3 A. Maybe, but I do not recall that right now.
 4 Q. Quite an unusual thing to be looking at ---
 5 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 6 MS. LAWS: It is quite an unusual thing to be looking at, is it
 7 not, injuries and cuts to the sole of your friend's feet? It
 8 is not the sort of thing one sees every day, is it?
 9 A. No, I do not see cuts on people's feet every day.
 10 Q. Or at all. Was there anyone else whose feet you have seen,
 11 both of their feet, the soles of their feet having been cut in
 12 the last ten, 15 years?
 13 A. I maybe helped a friend take a splinter or a piece of glass
 14 out, but I do not recall a specific time, no.
 15 Q. So, this would be very different to taking out a splinter. If
 16 what you are saying is true, this would be a very clear and
 17 graphic image in your mind, would it not?
 18 A. It is not clear and graphic in my mind at this moment.
 19 Q. Put aside whether it is graphic. What was the nature of the
 20 cuts on the soles of her feet? Were they very small, or were
 21 they very long, were they jagged? Can you give us a
 22 description?
 23 A. No, because I do not recall the details, the nature of the
 24 scratches of the feet from several years ago.
 25 Q. You are making this up, are you not?

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1 PENNINGTON - LAWS
 2 A. No.
 3 Q. You have lied and lied again on behalf of your friend,
 4 Ms. Heard, have you not, in relation to injuries that you have
 5 seen or claim to see?
 6 A. Absolutely not.
 7 Q. Can I take you on, then, to Thanksgiving, and what you have to
 8 say about ----
 9 MR. JUSTICE NICOL: Which year is this, please?
 10 MS. LAWS: Thanksgiving is 2015, please.
 11 THE WITNESS: Is there a file number I could turn to?
 12 MS. LAWS: You should be in the same document, but if I can take
 13 you to paragraph 17.
 14 MR. JUSTICE NICOL: Of Ms. Pennington's statement?
 15 MS. LAWS: Yes, of the document you are looking at. In the corner
 16 it should say E606.4. Do you have that?
 17 THE WITNESS: I am still in ----
 18 MR. JUSTICE NICOL: Just a minute please, Ms. Pennington.
 19 Ms. Laws, are you in the summary or the witness statement?
 20 The witness statement that I have begins at E434.
 21 MS. LAWS: My Lord, I was looking at the statement, but in fact
 22 the statement and the summary say the same thing. So, I can
 23 stick with the document.
 24 MR. JUSTICE NICOL: It is the page reference I was puzzled about.
 25 MS. LAWS: I can stick with the document you both have, and I will

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1 PENNINGTON - LAWS
 2 put that one to one side.
 3 MS. WASS: Can I interrupt, I hope not offensively, but the
 4 statement is the document that has been signed.
 5 MR. JUSTICE NICOL: Yes, and it is the statement which the witness
 6 has said is true.
 7 MS. WASS: Which is page E606.1 to E606.10.
 8 MS. LAWS: It should be at tab 71.2. So, perhaps we will all go
 9 to the same document as it is signed.
 10 MR. JUSTICE NICOL: Quite right. Which paragraph are you now
 11 asking us to look at, please?
 12 MS. LAWS: 17.
 13 THE WITNESS: Sorry, would you direct me to the correct ----
 14 MS. LAWS: Sorry, we were talking over you. Do you have, please,
 15 the document at tab 71.2?
 16 A. Yes, I do.
 17 Q. It should say "Witness statement"; do you have that?
 18 A. Yes.
 19 Q. Flick over, please, to E606.4.
 20 A. Yes.
 21 Q. And paragraph 17; do have you that?
 22 A. Yes.
 23 Q. I am going to read it out to you in a second, but I am going
 24 to suggest to you that you have completely fabricated this
 25 episode in your account, have you not, complete fabrication?

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1 PENNINGTON - LAWS
 2 A. I have not, no.
 3 Q. Let us have a look. "Los Angeles, November 2015. I attended
 4 Thanksgiving dinner with Johnny and Amber and a number of
 5 others at their apartment at PH5", that is penthouse 5, is it
 6 not?
 7 A. Correct.
 8 Q. "In November 2015, at one point late in the meal Amber went
 9 upstairs to look for Johnny and stayed up there for a long
 10 time. After a long time, they both came downstairs. When
 11 I asked Amber what had happened, she told me that Johnny had
 12 thrown a bottle of wine at her in the bedroom. I went to look
 13 and found that a full bottle of wine had hit and broken a
 14 piece of art that Amber really loves above the bed and that
 15 broken glass was scattered all over the bed. I went back
 16 downstairs and spoke to Amber. She was upset, but just wanted
 17 to get through dinner without further problems."
 18 Do we take it then that, on your account, the dinner had
 19 not ended, this was during the evening?
 20 A. It was during the evening at some point. I do not remember at
 21 which point in dinner it was.
 22 Q. But we have some help in relation to that from paragraph 18,
 23 because you say: "I went back downstairs and spoke to Amber.
 24 She was upset, but wanted to get through dinner." So, do we
 25 take it that you had not finished eating?

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1 PENNINGTON - LAWS
 2 A. Well, during Thanksgiving here, the meal tends to go on for
 3 many hours, there are desserts and people could have continued
 4 to be eating at any point and mingling.
 5 Q. It appears to be that you are suggesting that this happens
 6 when other people then are around, because Amber then feels
 7 she has to carry on with the evening; is that correct?
 8 A. Yes. This happened when other people were still around.
 9 Q. We are going to watch a clip of a video, but before we do,
 10 there is a transcript of what we can hear on that video, and
 11 that is if you can please get out file 11, tab 171.
 12 A. Can I put this file 2.1 away?
 13 Q. You can put it to one side if you have the space. If not, you
 14 can put it away.
 15 A. File 11?
 16 Q. Yes, then 171 inside.
 17 A. 171, Thanksgiving.
 18 Q. First of all, though, rather than reading it, that is just
 19 there for reference, if we have to go back to what was said,
 20 Can I ask you to look at a video that I hope is going to come
 21 up on your screen. I am going to say, I cannot stop it and
 22 ask you questions; you will have to watch it, and then I will
 23 put you back on and then I will ask you questions. All right?
 24 A. Yes, ma'am.
 25 (Video clip shown to the court)

PENNINGTON - LAWS

PENNINGTON - LAWS

1 MS. LAWS: My Lord, we need to stop the video. I have just been
 2 told it is not playing to this witness. I wonder if we can go
 3 back to the witness and check if that information is correct.
 4 Ms. Pennington, were you able to see a video?
 5 THE WITNESS: Yes.
 6 MS. LAWS: Oh!
 7 MS. WASS: Sorry, that is entirely my fault. It is a message
 8 coming to me.
 9 MS. LAWS: We will allow it to play on, so that you can see it to
 10 the end now. All right?
 11 (Video continues to be played)
 12 MS. LAWS: Ms. Pennington, is that a video of the Thanksgiving
 13 dinner you were talking about in that paragraph of your
 14 statement?
 15 THE WITNESS: I believe so.
 16 Q. What we do not have in that statement is any reference to the
 17 fact that this was a dinner at which there were a number of
 18 people in attendance?
 19 MR. JUSTICE NICOL: Sorry. No reference in the video to the
 20 number of people.
 21 MS. LAWS: No reference in your statement to the fact that there
 22 were a number of people at that dinner; you do not say
 23 anything about it, do you?
 24 THE WITNESS: Sorry, I am confused about what the question is.
 25

1 All right? So, we will play that to you.
 2 (Video played to the court)
 3 MS. LAWS: Pause there. Now, does that help you, that is you at
 4 the beginning, is it not?
 5 THE WITNESS: I see my face in the beginning, but -- I am sorry,
 6 I see my face in the beginning, but I do not recognise my
 7 voice, I heard the word "cool", I do not know if it was my
 8 voice or Amber's voice.
 9 Q. We can move on. I think there were a number of people there.
 10 You said there were people there, but you have not named who
 11 they were. Can I ask you to confirm, you have seen yourself
 12 on that video. Did you see Ms. Heard's father, David Heard?
 13 A. Yes.
 14 Q. Did you see Mr. Depp's son?
 15 A. Yes.
 16 Q. Who else did you see on that video?
 17 A. I saw myself, and I believe I saw maybe the back of Amber's
 18 head.
 19 Q. What about Marilyn Manson?
 20 A. I did not see him on the video.
 21 Q. He was there, was he not?
 22 A. Yes.
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Do you agree that
 24 Marilyn Manson was at the dinner?
 25

PENNINGTON - LAWS

PENNINGTON - LAWS

1 Q. I will ask it again. I read out that part of your statement
 2 in which you deal with what happened at Thanksgiving, and you
 3 focus on the fact there was a Thanksgiving dinner, you went
 4 upstairs to penthouse 5, you saw damage on the bed, you had
 5 been told something had happening and Amber went downstairs
 6 and carried on with the dinner. I have gone through all that,
 7 have I not? We have read it out.
 8 A. You have.
 9 Q. There was nowhere in that statement do you say anything about
 10 the fact there were a number of people there, do you?
 11 A. I believe I mentioned that there were people there.
 12 Q. Were you on that video, the video you have just seen?
 13 A. I think I saw myself briefly at the very beginning.
 14 Q. You were there on the right as the video starts, were you not,
 15 saying "I'm not cool"?
 16 A. I did not hear -- I could not hear any of the audio.
 17 Q. Was it completely silent?
 18 A. Sorry, it was not completely silent. I just could not
 19 understand the voices or what was being said on the audio.
 20 Q. I am afraid I am going to ask you to look at the first minute,
 21 we are not going to play all of it again, but you have the
 22 transcript in front of you. I am going to ask you
 23 particularly to be able to confirm that it is you on that
 24 video, and you saying at the very beginning, "I'm not cool".
 25

1 THE WITNESS: I am sorry, yes, I agree that he was at the dinner.
 2 MS. LAWS: I am just going to play you a very short excerpt of a
 3 different video of the same evening. The transcript of that
 4 is at 170 in the same bundle, so the previous document.
 5 (Video played to the court)
 6 MR. LAWS: Thank you. That is a video of the very same evening,
 7 is it not?
 8 THE WITNESS: I believe so, yes.
 9 Q. It was a happy, family gathering, was it not?
 10 A. At that time, yes.
 11 MR. JUSTICE NICOL: Just a minute. (Pause)
 12 MS. LAWS: So, at what point of that evening do you say, then,
 13 that Amber left and was upstairs with Mr. Depp, before or
 14 after those videos?
 15 THE WITNESS: I actually do not recall it if it was before or
 16 after.
 17 Q. You had been given some unpleasant news that night, had you
 18 not, about what had happened to your friend?
 19 A. She had shared with me what had happened upstairs, after she
 20 came back downstairs.
 21 Q. And that was unpleasant, what she told you, was it not?
 22 A. That is fair to say.
 23 Q. I am going to suggest that if that had happened at all, you
 24 would remember whether during those videos you were faking the
 25

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1 PENNINGTON - LAWS
 2 laughter or whether it was real?
 3 A. I am sorry, what is the question?
 4 Q. The question is, if before those videos were shot you had been
 5 told of a really unpleasant, violent incident involving your
 6 friend and Mr. Depp, you would remember looking at those
 7 videos, would you not, whether you were actually genuinely
 8 having fun or whether you were worried about her? Do you
 9 understand?
 10 A. I still do not understand what the question is. Please, if
 11 you could ----
 12 Q. I will put it a different way.
 13 A. If you simplify it, that would be helpful.
 14 Q. You are enjoying yourself on those videos, are you not?
 15 A. Yes.
 16 Q. And it would be hard to imagine how you could enjoy yourself
 17 if you had been told of an extremely unpleasant incident by
 18 Ms. Heard?
 19 A. I cannot speculate on what it would be hard to imagine to do.
 20 Q. Well, it is only speculation if it never happened. So, let us
 21 go back to what you say happened. You say you were told
 22 something really unpleasant that had happened between Mr. Depp
 23 and Ms. Heard. So, you would be able to remember if you are
 24 telling the truth how you felt when you went back downstairs
 25 back to the dinner.

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1 PENNINGTON - LAWS
 2 A. I do not know if that video happened before or after.
 3 Q. Well, that video was taken around midnight. So, that is very
 4 late, is it not?
 5 MR. JUSTICE NICOL: Just a minute. (Pause) Well, the question of
 6 whether midnight is very late, I am not sure is going to be
 7 helpful.
 8 MS. LAWS: I see you nodding, but are you saying this happened
 9 with Ms. Heard and Mr. Depp upstairs after midnight or
 10 earlier, or are you just not able to say?
 11 A. I just do not recall when it happened.
 12 Q. So, when you went upstairs, it was to penthouse 5, yes, and
 13 the bedroom there?
 14 A. There are no bedrooms in penthouse 5.
 15 MR. JUSTICE NICOL: Just a minute. (Pause)
 16 MS. LAWS: Can I ask you to look at your statement again. So, go
 17 back to the paragraph 17 that we were looking at a moment ago
 18 in file 2.1, if the tab is open.
 19 MR. JUSTICE NICOL: Just a minute. (Pause)
 20 THE WITNESS: May I put 11 away?
 21 MS. LAWS: Yes, please.
 22 A. Then are we still in tab 71.2?
 23 Q. Yes. Paragraph 17, please, if you have that.
 24 A. Yes, ma'am.
 25 Q. What you have said there is: "I attended Thanksgiving dinner

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1 PENNINGTON - LAWS
 2 with Johnny and Amber and a number of others at their
 3 apartment penthouse 5" -- and then you are describing what
 4 happened later -- "They both came downstairs. When I asked
 5 Amber what had happened she told me Johnny had thrown a bottle
 6 of wine at her in the bedroom. I went to look and found that
 7 a full bottle of wine had hit and broken a piece of art above
 8 the bed." What you are saying there is that you went upstairs
 9 and had a look at penthouse 5, the bedroom, and found that,
 10 and saw that damage there; is that right?
 11 A. There is no bedroom in penthouse 5. What I did is, I cut
 12 across, the apartments are all connected upstairs, to their
 13 bedroom in penthouse 3.
 14 Q. Have you been in communication with anyone from Ms. Heard's
 15 team about whether you have got the penthouse wrong in your
 16 statement here?
 17 A. No.
 18 Q. Because penthouse 5, we are in agreement about this, there are
 19 no bedrooms there; in fact, what you have in penthouse 5
 20 upstairs are Ms. Heard's closets or wardrobes; that is right
 21 is it not?
 22 A. Correct.
 23 Q. What you do not say ----
 24 MR. JUSTICE NICOL: Just a minute. (Pause)
 25 MS. LAWS: What you do not say in your statement is that you

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1 PENNINGTON - LAWS
 2 decided to go upstairs and look in the bedrooms in a different
 3 penthouse, do you? You can have a look at your statement to
 4 check.
 5 A. I do not say that I went to a bedroom in a different
 6 penthouse.
 7 Q. Are you making this up as you go along?
 8 A. No.
 9 Q. Just looking at your account, if what you are saying now is
 10 that your statement is correct but in it you simply have not
 11 put that you moved from one penthouse to the next, why did you
 12 bother, on that evening that we have seen videoed, why did you
 13 bother to go upstairs and cross over into a completely
 14 different penthouse to check on Ms. Heard's bedroom? What was
 15 in it for you?
 16 A. Are you asking me what was in it for me or are you asking me
 17 why I went upstairs?
 18 Q. Why did you do it?
 19 A. Because that is where the bedroom was in Penthouse 3.
 20 Q. But why did you go there?
 21 A. To look at what happened from what she just told me.
 22 MR. JUSTICE NICOL: Just a minute. (Pause)
 23 MS. LAWS: There was no reason for you to have gone up and checked
 24 on her bedroom in a completely different penthouse that night,
 25 was there? There was no reason for you to do that?

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1 PENNINGTON - LAWS
 2 A. The reason was to go see what she had told me had happened.
 3 Q. Let me ask again, why did you ----
 4 MR. JUSTICE NICOL: Just a minute. (Pause)
 5 MS. LAWS: Sorry. You had no reason to go and check up on what
 6 she said, did you?
 7 A. I did have a reason.
 8 Q. She was downstairs when she told you about it because you have
 9 said she was upstairs for a long time with Mr. Depp, came
 10 downstairs, told you something had happened and you went to
 11 look for yourself, so you were not going up to help her, were
 12 you?
 13 A. No.
 14 Q. So, you had no reason to need to check on what she was saying?
 15 MR. JUSTICE NICOL: Ms. Laws, you have asked that question now
 16 more than once.
 17 MS. LAWS: My Lord, I will move on. I am just focusing on that
 18 incident because I am going to suggest to you that that
 19 incident is a total fabrication by you. Do you agree or
 20 disagree?
 21 A. I disagree. I disagree.
 22 Q. You came to assist Ms. Heard on a number of occasions with
 23 taking photographs of things in the flat, the apartment,
 24 rather, did you not?
 25 A. I came to assist her on many occasions. During those

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1 PENNINGTON - LAWS
 2 occasions, I helped to take photographs.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 4 MS. LAWS: And this is an incident where you did not get your
 5 camera out even though you went up to inspect the damage; is
 6 that right?
 7 A. I do not believe I took my -- I do not believe I took my phone
 8 up with me, no.
 9 Q. I will move on. I have dealt with why you would go up there
 10 to inspect. I am not going to ask again. Moving on then to
 11 15th December 2015, again, this was an incident where you did
 12 not witness anything happening, but you claim to have seen
 13 injuries afterwards; is that correct?
 14 A. That is correct, and may I ask, is there a paragraph or file
 15 that I should be looking at?
 16 Q. I will take you to it in a moment. I am just establishing
 17 your recollection of that. What do you recollect as being the
 18 injuries that you saw on Ms. Heard?
 19 A. On December 15th?
 20 Q. Yes. What do you recollect? I will take you to your
 21 statement in a moment, but what do you recollect?
 22 A. The one that stands out the most in my memory is the injury to
 23 the back of her head, the scalp, that was bloody, where hair
 24 had been ripped out.
 25 MR. JUSTICE NICOL: Just a minute.

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1 PENNINGTON - LAWS
 2 A. She had ----
 3 MS. LAWS: Pause there, please. (Pause)
 4 MR. JUSTICE NICOL: Yes.
 5 MS. LAWS: Carry on, I interrupted you.
 6 A. Additionally, she had a very swollen nose at that point that
 7 was quite tender, and maybe another scalp or hair laceration
 8 or scrape on the front of her scalp as well, and like an
 9 injury to her lip.
 10 Q. You just indicated with your hand, but I am just going to ask
 11 you to confirm that what you were showing, as the position of
 12 the laceration, was on the forehead above the right eye
 13 towards the hairline; is that correct?
 14 A. She had a couple of lacerations on her scalp.
 15 Q. So, let us just break this down: a couple of lacerations on
 16 her scalp, but what you have just gestured a moment ago on the
 17 camera was on your forehead, so was there a laceration on her
 18 forehead?
 19 A. There was a scrape on her forehead. She may have been looking
 20 down also -- I am sorry, I know I am not supposed to be
 21 gesturing, there was also a laceration on the back part of her
 22 scalp near the crown of the head.
 23 Q. So, two injuries in very different positions, you have
 24 described, one at the back of the head on the scalp and one on
 25 the forehead, below the hairline, which you have indicated; is

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1 PENNINGTON - LAWS
 2 that correct?
 3 A. Correct, in addition to the facial injuries that I just
 4 mentioned.
 5 Q. The facial injury being a swollen nose, was that?
 6 A. Uh-huh.
 7 Q. And I think ----
 8 A. Yes.
 9 Q. And what else?
 10 A. And injury to her lip, a bloody lip.
 11 Q. Do you remember that you have said that her face was swollen
 12 still the very next day?
 13 A. Sorry, was the question, do I remember it?
 14 Q. Yes. Is it your recollection that her face was swollen the
 15 very next day still?
 16 A. Yes, ma'am.
 17 Q. And that the laceration on her forehead and the swelling on
 18 her nose had not gone away, they were still there; is that
 19 correct?
 20 A. Yes. Yes, that is correct.
 21 Q. Can I ask you, please, to get out file 9?
 22 A. Can I put away 2.1?
 23 Q. Yes. (Pause) Tab 87(n)?
 24 A. 87(n)?
 25 Q. It is an (n), 87 and in brackets (n).

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1 PENNINGTON - LAWS
 2 A. I have it.
 3 Q. In the corner, on the right, it should say J1.13?
 4 A. Yes.
 5 Q. These are stills from the James Corden show. If you flick
 6 overleaf at J1.14, you can see the other individuals who were
 7 on that show, including Mr. Corden, and you can see
 8 Ms. Heard's face. Taking you back to J1.13, we do not see any
 9 of those injuries on these photos, do we, the ones that you
 10 have described?
 11 A. I do not see the injuries.
 12 Q. Putting aside that you do not see a scrape, abrasion or
 13 redness, you do not actually see any swelling at all either,
 14 do you, on these photographs?
 15 A. In these photographs, I do not see swelling.
 16 Q. This is an occasion, 15th/16th December, when you do get your
 17 camera out, is it not, and start taking some photos?
 18 A. I believe so, yes.
 19 Q. Was that the next day?
 20 A. What was the next day?
 21 Q. Taking the photographs? Did you take the photographs the next
 22 day? When did you take them?
 23 A. I do not remember exactly when I took them, but if I can see
 24 the photographs, I might be able to clarify.
 25 Q. Right. If you can get file 6 out, please, and 148(c), put

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1 PENNINGTON - LAWS
 2 A. May I also reference it is a very dark photo. It looks like
 3 there may be the same photo on the page before.
 4 Q. So, what are you are looking at now? What have you got in
 5 front of you?
 6 A. The instructed photo at 894.120A.
 7 Q. And that is the photograph that you think you took?
 8 A. I believe so.
 9 Q. The description of the injuries that you have given to this
 10 court and also in your statement does not appear to be
 11 reflected on that photograph, does it? Have a look just to
 12 check whether we can see an abrasion, swelling, redness; do we
 13 see any of those things on this photograph?
 14 A. Well, the photo that I am looking at is very dark and it is
 15 black and white. I can barely see definition of her ----
 16 MR. JUSTICE NICOL: Just a moment. If you have got a black and
 17 white photograph, there is no colour on the photograph at all,
 18 is there?
 19 A. Correct.
 20 MS. LAWS: Could you hold that photograph up for us to see?
 21 Right. You do not have a colour photograph and I agree it is
 22 dark. Put your file down. I wonder if we can just show you
 23 -- (Pause) Can I ask to you go overleaf? Is there a colour
 24 photograph underneath that one at F894.122, or 121?
 25 A. There is a colour photograph at F894.120.

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1 PENNINGTON - LAWS
 2 that file away.
 3 A. File number, please?
 4 Q. It is file 6?
 5 A. Tab number?
 6 Q. Tab 148. So, you need to go beyond to the second half of that
 7 file. It is 148(c). Then once you get there, it should be
 8 F894.107 A?
 9 A. I only have F894.009 and that is where these files end.
 10 MR. JUSTICE NICOL: If you look at 148, there are further
 11 dividers, one of which is (c).
 12 A. And the ----
 13 Q. Within (c), try and find F894.107A. (Pause)
 14 A. All right, I am here.
 15 MS. LAWS: Did you take that photograph?
 16 A. I am not sure if I took this one.
 17 Q. Flick through, then, to photograph 894.112. Did you take that
 18 one?
 19 A. I do not believe so.
 20 Q. Flick over, then, to F894.120A. Did you take that one?
 21 A. (Unclear).
 22 MR. JUSTICE NICOL: I did not catch your answer, Ms. Pennington.
 23 Did you take the picture at 120A?
 24 A. I believe so.
 25 MS. LAWS: What are you ----

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1 PENNINGTON - LAWS
 2 Q. I am going to ask you to have a look at this.
 3 A. Yes.
 4 Q. All right. Thank you.
 5 MR. JUSTICE NICOL: Just for my note, tell me what it is, which
 6 picture you have shown her?
 7 MS. LAWS: It is F894.120A. That is a colour version of what you
 8 have in black and white there, is that correct; what you have
 9 just been shown?
 10 A. Yes. I also have this.
 11 Q. You do have that; all right. What do you have as the number
 12 of that? Thank you. What number do have you for that?
 13 A. F894.120.
 14 Q. Thank you. So I am going to ask the same question again. We
 15 do not see, on the photograph that you have just shown, any of
 16 the injuries that you have described having seen on
 17 Ms. Heard's face, do we, or if we do, describe where it is?
 18 A. I do see it.
 19 Q. Where do you see them then? Where is the abrasion on the
 20 forehead?
 21 A. I cannot see the abrasion on the forehead from this angle.
 22 Q. Where is the swelling?
 23 A. All over the bridge of her nose.
 24 Q. Where is the redness?
 25 A. It looks like on her right eye, darkness in under-eye circles

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1 PENNINGTON - LAWS
 2 beneath both eyes.
 3 Q. If I could ask to you to flick over to photographs of the
 4 hair, 894.122A, did you take that photograph?
 5 A. Again, this is the photograph that I have, as directed.
 6 Q. Have a look at the next one?
 7 A. It is very dark.
 8 Q. Have a look at the next one and see if there is a colour one?
 9 A. That is more clear, this.
 10 Q. Thank you. With the clear one that you are just looking at,
 11 I think the reference for that should be 894.122.
 12 A. Yes, ma'am.
 13 Q. Did you take that photograph?
 14 A. Yes.
 15 Q. What we can see is a cluster of hairs without, seemingly, any
 16 of the hairs having a root at the end. Do you know what I
 17 mean by that question?
 18 A. Do I know what the root of a hair is?
 19 Q. Yes.
 20 A. I do know what the root of the hair is.
 21 Q. We do not see any of those hairs on there having a root, do
 22 we?
 23 A. I do not see what a -- I do not see not a root. I do not see
 24 a root. I do not know what the root ---
 25 MR. JUSTICE NICOL: I think the question that is being put to you

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1 PENNINGTON - LAWS
 2 is, do you agree that the photograph that we have at 122 does
 3 not show the roots of any of those hairs?
 4 A. I do not feel qualified to answer if there is a root on this
 5 hair or not.
 6 MS. LAWS: Well, you took the photograph. You must have thought
 7 it was a notable thing to take a photograph of. Did you have
 8 a look at what you were taking a photograph of? Did you look
 9 carefully?
 10 A. I looked carefully.
 11 Q. In relation to what you had been told by Ms. Heard had
 12 happened -- and I am looking now at paragraph 22 of the
 13 statement we were looking at, so hopefully you still have that
 14 open, it is file 2.1 ---
 15 A. I am sorry, I put that away. Can you direct me back to it?
 16 Q. Do not worry. It is file 2.1, tab 71.2.
 17 A. Okay. Paragraph?
 18 Q. Paragraph 22, so it should be E606.5 in the bottom right-hand
 19 corner?
 20 A. Yes, ma'am, I am there.
 21 Q. What you were told by Ms. Heard had happened, in particular
 22 about the bed, was that after she had been headbutted, thrown
 23 on the bed, grabbed by the hair, face down on the bed -- it is
 24 this bit I am asking you about -- she said he was kicking her
 25 in the back, which is how the bed broke, apparently when his

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1 PENNINGTON - LAWS
 2 foot slipped and kicked the bed, and punching her in the back
 3 of the head. Do you remember her saying that?
 4 A. Yes, I do.
 5 Q. So he was kicking her in the back?
 6 A. That is what she told me.
 7 Q. I am going to suggest to you that Ms. Heard did not receive
 8 any injuries whatsoever as a result of what happened on 15th
 9 December. Do you agree or disagree?
 10 A. I disagree.
 11 Q. What you are doing by taking photographs is cataloguing things
 12 for her that did not happen; that is right, is it not?
 13 A. It is not right.
 14 Q. Moving on to 21st April, which was the birthday celebration,
 15 so the night before Coachella, would you agree that what you
 16 saw of Mr. Depp that night was him arriving late from a
 17 meeting with his lawyer; did you know that?
 18 A. I observed that he arrived late to the birthday party, and may
 19 I put these files away?
 20 Q. We may go back to them in a second. If it is uncomfortable
 21 put them away, but leave them there for the moment if you can.
 22 He was late. Did you know he had been to see his lawyer that
 23 night? Did Ms. Heard tell you that?
 24 A. No, she did not.
 25 Q. And when he arrived, he was not drunk. I am going to suggest

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1 PENNINGTON - LAWS
 2 that?
 3 A. I do not know what his state of inebriation was when he
 4 arrived.
 5 Q. But he was sociable, coherent and affectionate to Ms. Heard;
 6 do you agree?
 7 A. I agree that he was coherent.
 8 Q. Do you agree that he was sociable and affectionate to
 9 Ms. Heard?
 10 A. I would not characterise his behaviour as sociable or
 11 affectionate.
 12 Q. The next day, you were all due to go to the Coachella
 13 festival, were you not?
 14 A. Yes.
 15 Q. When you went round to the penthouse that morning, you were
 16 told that there had been a row between Ms. Heard and Mr. Depp,
 17 were you not?
 18 A. When I went to the penthouse that morning, that is correct.
 19 Q. You did not see it and you did not hear it; is that correct?
 20 A. Correct.
 21 Q. You left with Ms. Heard to go to the festival together, did
 22 you?
 23 A. I did.
 24 Q. Did you know that Ms. Heard was unhappy with Mr. Depp that
 25 morning?

[Page 2319]

1 PENNINGTON - LAWS
 2 A. I knew that she was unhappy that morning.
 3 Q. Did you know that human faeces was left on the bed that
 4 morning?
 5 A. I did not know that.
 6 MR. JUSTICE NICOL: Just a minute. (Pause)
 7 MS. LAWS: The place was left in a real mess, was it not?
 8 A. Which place are you talking about?
 9 Q. Her penthouse was left in a mess, was it not?
 10 A. The penthouse in general did not look particularly messy to
 11 me.
 12 Q. And you spent the next, well, you spent the whole weekend,
 13 I am going to suggest, with Ms. Heard, inebriated and having
 14 fun. Do you agree or disagree?
 15 A. We spent the weekend together.
 16 Q. Did you drink?
 17 A. At parts.
 18 Q. And take drugs?
 19 A. At parts.
 20 MR. JUSTICE NICOL: Sorry, you were asked did you drink and you
 21 said yes. Then you were asked, did you take drugs? I am not
 22 sure whether you were asked whether Ms. Heard took drugs or
 23 you took drugs. Which was the question?
 24 MS. LAWS: It is you took drugs first and then I am going to ask
 25 about Ms. Heard in a moment.

[Page 2320]

1 PENNINGTON - LAWS
 2 MR. JUSTICE NICOL: Do you agree that you took drugs,
 3 Ms. Pennington?
 4 A. Yes.
 5 MS. LAWS: And Ms. Heard took drugs as well?
 6 A. I believe so, yes.
 7 Q. And the drugs that were taken at Coachella, can you say what
 8 you were taking, please?
 9 A. I took magic mushrooms and MDMA.
 10 MR. JUSTICE NICOL: Just a minute. (Pause)
 11 MS. LAWS: What about Ms. Heard?
 12 A. I believe she took the same.
 13 Q. And Ms. Henriquez, what about her? She was with you,
 14 Ms. Heard's sister, Whitney?
 15 A. Sorry, excuse me, Whitney?
 16 Q. Yes, she was taking drugs, was she?
 17 A. Whitney was -- excuse me, no, let me go back. She was with us
 18 that weekend.
 19 MR. JUSTICE NICOL: Sorry, Whitney was with you.
 20 MS. LAWS: What do you say about whether she was drinking and
 21 taking drugs?
 22 A. She was not.
 23 Q. During that weekend, Ms. Heard at one point became so
 24 intoxicated she was vomiting?
 25 A. Excuse me, what is the question?

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1 PENNINGTON - LAWS
 2 Q. Do you remember that?
 3 A. Do I remember her vomiting?
 4 Q. Yes.
 5 A. Privately, yes.
 6 Q. Thank you. I think Mr. Jenkins had to go and get some
 7 medication for her and some ginger ale. Do you remember that?
 8 A. I do not.
 9 Q. This was, for all of you, the atmosphere of that weekend was
 10 quite fun, was it not?
 11 A. I would not characterise the atmosphere as fun.
 12 Q. Can I take you to file 8, please.
 13 A. I have two files in front of me. Is there one I may put away?
 14 Q. Can you put them both away and if you can get file 8.
 15 MR. JUSTICE NICOL: Ms. Laws, we are going to need to get to
 16 another witness.
 17 MS. LAWS: I appreciate that.
 18 MR. JUSTICE NICOL: Yes.
 19 MS. LAWS: I am going to move on from that point, we do have to
 20 make some more progress with this witness, my Lord. The fact
 21 that certain messages are not put to this witness, I am sure
 22 that will not be the subject of adverse comment in due course.
 23 (To the witness) Can I ask you to put that away, because
 24 I have been reminded that we need to move on with what I am
 25 asking you. Do you remember -- I am not going to take you to

[Page 2322]

1 PENNINGTON - LAWS
 2 ir, and if you do not remember I will move on -- but do you
 3 remember sending a text to a friend of yours describing this
 4 as a fun weekend?
 5 THE WITNESS: I do not remember sending a text.
 6 Q. I am going to move to 21st May and that is the day when
 7 everything changed and that was the end, effectively, of the
 8 relationship between Mr. Depp and Ms. Heard. So, 21st May
 9 2016. You were aware, were are not, that Mr. Depp was going
 10 to come round that day to speak to Ms. Heard; is that correct?
 11 A. I was aware when she received a text that he was coming over.
 12 Q. So you knew he was coming over. Were you waiting inside the
 13 penthouse in one of the cupboards or the closets for him to
 14 come over?
 15 A. No.
 16 Q. Now, your knowledge of what had gone on between them by that
 17 stage, according to you, is that you had been told on numerous
 18 occasions by Ms. Heard that she had been assaulted by
 19 Mr. Depp; that is right, is it not?
 20 A. That I had been told on numerous occasions that she had been
 21 assaulted.
 22 Q. That is your evidence, is it not?
 23 A. Yes.
 24 Q. I am going to suggest -- we will move on then. So, by that
 25 time you were sitting in the next door apartment, penthouse,

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1 PENNINGTON - LAWS
 2 waiting no doubt nervously for his arrival; is that right, or
 3 not?
 4 A. I was in penthouse 5. She was waiting for him. Yes,
 5 I suppose I was waiting.
 6 Q. You received a text and a message to go and help her.
 7 A. Yes.
 8 Q. And it took you a while, you say, to get there?
 9 A. Can you explain "a while"?
 10 Q. Well, you took the wrong key and so you had to go back and get
 11 another key; is that correct?
 12 A. No.
 13 Q. When you got into the penthouse where she was, you let
 14 yourself in; is that right?
 15 A. Yes.
 16 Q. You did not witness Mr. Depp hitting Ms. Heard at all, did
 17 you?
 18 A. I did not.
 19 Q. And you did not witness him once you arrived, he did not hit
 20 you or her during the whole time that you were there, did he?
 21 A. At one point he knocked my hands away from his chest.
 22 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 23 MS. LAWS: The security guards that arrived fairly soon after your
 24 arrival, I am going to suggest, were standing right outside
 25 the front door to that penthouse; did you see them?

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1 PENNINGTON - LAWS
 2 A. I did not see them.
 3 Q. You see, what happened next is that -- and I can deal can this
 4 fairly swiftly -- Mr. Depp is taken away and you claim that on
 5 his way out he caused a lot of damage in the apartment, do you
 6 not?
 7 A. Is the question that my claim is that he caused damage to the
 8 apartment?
 9 Q. Yes. That is what you claim. I am trying to deal with this
 10 fairly swiftly, without having to take you back to all the
 11 documents. But I do not think this is controversial. What
 12 you say is that he damaged property in that penthouse, did he
 13 not, before he left? That is what you say, is it not?
 14 A. Correct.
 15 Q. And I think what you have said at different times -- and tell
 16 me whether this is accurate as to what happened that night --
 17 is that the damage that he did was that he used a bottle to
 18 smash everything he could. Do you agree that is what you saw?
 19 A. He used a bottle to smash many things.
 20 Q. And that in the middle of the kitchen there were candles,
 21 fruit, glass, jars, vases, and he was hitting everything with
 22 the wine bottle, smashing it all off?
 23 A. He was hitting many things.
 24 Q. And that as he left, he continued to break things before
 25 walking out of the apartment; is that right?

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1 PENNINGTON - LAWS
 2 A. Yes.
 3 Q. And knocking things off from the kitchen island, glass
 4 bottles, flowers, et cetera, all of that you say took place?
 5 A. Yes.
 6 Q. And Ms. Heard's belongings were ransacked, framed photos were
 7 smashed and glass was broken; that is your account, is it not?
 8 A. In a separate apartment.
 9 Q. Yes, it was not just restricted to one apartment, he moved on
 10 to another penthouse; that is what you say, is it not?
 11 A. Yes.
 12 Q. I am going to give you a chance to comment on this, because
 13 soon after he left you know that iO Tillet Wright called the
 14 police and the police arrived fairly shortly afterward, did
 15 they not?
 16 MR. JUSTICE NICOL: Well, were you there when the police came?
 17 A. Yes, I was there when the police came.
 18 MS. LAWS: Before they arrived, you are aware, are you not, that
 19 Ms. Heard was on the phone to her lawyer and also to her
 20 publicist?
 21 A. I was aware that she was on the phone to her lawyer.
 22 Q. We know that she was also on the phone to her publicist; did
 23 you hear that?
 24 A. I did not.
 25 Q. I am going to suggest that it was all action after Mr. Depp

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1 PENNINGTON - LAWS
 2 left, because Ms. Heard had decided that she was going to end
 3 the marriage and apply for a restraining order. Do you agree
 4 or disagree?
 5 A. I disagree.
 6 Q. Do you not recall her saying that night that she was going to
 7 apply for a restraining order?
 8 A. I do not recall her saying that.
 9 Q. When the police arrived, I am going to suggest to you that it
 10 was a male officer and female officer; you saw them both, did
 11 you not?
 12 A. Yes.
 13 Q. And you saw and heard the fact that the male officer was taken
 14 around and had a look at the penthouse, not just the penthouse
 15 where Ms. Heard had been, but had a good look everywhere. You
 16 are aware of that, are you not?
 17 A. I believe she looked through all of the penthouses, but
 18 I cannot be sure.
 19 Q. And neither officer, neither the officer that had a good
 20 examination of everywhere, or the other officer who spent more
 21 time with Ms. Heard, saw a single item of damage in that
 22 apartment, or either of the apartments.
 23 MR. JUSTICE NICOL: Well, Ms. Laws, we have heard from the
 24 officers. Asking this witness whether those officers saw that
 25 is not going to help.

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1 PENNINGTON - LAWS
 2 MS. LAWS: It is not really whether they saw that. It is what she
 3 says about that, whether she stands by her account.
 4 MR. JUSTICE NICOL: Whether she stands by the account is certainly
 5 a question you can ask.
 6 MS. LAWS: The next part of the question is, what do you say about
 7 that. So perhaps I can repeat the first bit.
 8 (To the witness) The officers that attended did not see
 9 a single item of damage. What do you say about that?
 10 THE WITNESS: I would say that there was damage when they arrived.
 11 I believe they would have seen all of the damage that was
 12 done.
 13 MR. JUSTICE NICOL: Just a minute. (Pause)
 14 MS. LAWS: If what you are saying is true, they would have been
 15 able to see it; that is your answer?
 16 MR. JUSTICE NICOL: That is the answer she has given.
 17 MS. LAWS: I am going to suggest to you that damage, which I have
 18 described in detail and you have given an account of, that
 19 damage did not take place before the officers arrived, did it?
 20 That was something that happened later after the officers
 21 left?
 22 THE WITNESS: Absolutely not.
 23 Q. This suggestion does not come as a surprise to you, does it?
 24 It is something that has been suggested before, is it not?
 25 You know that the officers contradict what you have said, do

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1 PENNINGTON - LAWS
 2 them all, but photographs were taken, were they not?
 3 A. Photographs were taken.
 4 Q. By whom?
 5 A. I believe some were by myself, some were by Josh.
 6 Q. And the police had been sent away without any report having
 7 been made, were they not?
 8 A. There was not a report made.
 9 Q. So, these photographs were not being made for the police, were
 10 they, they were not being taken for that purpose?
 11 A. They could have been taken for that purpose.
 12 Q. You know full well, do you not, that they were being taken in
 13 order for Ms. Heard to use those images in order to negotiate
 14 a settlement from Mr. Depp; do you know that?
 15 A. That is not what I would say.
 16 Q. Do you remember before Ms. Heard went public with the
 17 injuries, on 27th May, driving her to a meeting with her
 18 publicist on or around the 24th?
 19 A. I do not recall the exact date, but I do remember driving her
 20 there.
 21 MR. JUSTICE NICOL: Just a minute. (Pause)
 22 MS. LAWS: Her lawyer was present at that meeting, Samantha
 23 Spector, was she not?
 24 THE WITNESS: Her lawyer was at the house.
 25 Q. Did you know that Ms. Heard was in communication with Mr. Depp

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1 PENNINGTON - LAWS
 2 you not?
 3 MR. JUSTICE NICOL: Well, now there are several questions -- just
 4 a minute, please, Ms. Pennington. There are several questions
 5 in what Ms. Laws has asked you. I would like her to decide
 6 which she wants you to answer first.
 7 MS. LAWS: (To the witness) That suggestion does not come as a
 8 surprise to you, does it, the suggestion that the damage was
 9 -- sorry, the suggestion that the damage was done after the
 10 officers left is not a suggestion that comes as a surprise to
 11 you, is it?
 12 THE WITNESS: That is a surprise to me.
 13 Q. Do you say you did not know that the two officers that
 14 attended have subsequently said there was no damage in that
 15 apartment?
 16 A. I do not know that.
 17 Q. Are you telling the truth?
 18 A. Yes.
 19 Q. All right. Now, after the officers leave I am going to
 20 suggest, and I am not going to take you through documents, but
 21 I am going to suggest that you, along with Ms. Heard,
 22 together, spent the next few days taking photographs and
 23 supporting her in her plan for the separation from Mr. Depp.
 24 So, let us break it down. You took photographs of what you
 25 say the damage was. We know that. I cannot take you through

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1 PENNINGTON - LAWS
 2 that week?
 3 A. I did not.
 4 MR. JUSTICE NICOL: Just a minute. (Pause)
 5 MS. LAWS: Then on 27th May, Ms. Heard went public by attending
 6 the courthouse with a red mark on her cheek, did she not?
 7 THE WITNESS: She went public at the courthouse, yes.
 8 Q. And the red mark that she was displaying on her cheek was not
 9 a red mark that she had sustained as a result of anything
 10 Mr. Depp did, was it?
 11 A. I disagree.
 12 Q. Because during that week, there were times when she was not
 13 displaying a red mark; would you agree?
 14 A. There were times that makeup was covering and it was a mark on
 15 her face.
 16 MR. JUSTICE NICOL: Just a minute. (Pause)
 17 MS. LAWS: So you say the makeup that she put on was makeup to
 18 cover a mark. And that she would presumably, you say she
 19 would put that makeup on before she let the penthouse?
 20 THE WITNESS: Correct.
 21 Q. So, if she were leaving the penthouse, or going downstairs to
 22 speak to staff, she would have the makeup on; do we take it
 23 from you have just said?
 24 A. She would have concealing makeup of any bruises on her face
 25 on.

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1 PENNINGTON - LAWS
 2 Q. I am going to suggest to you that you know she had makeup on,
 3 but to show that she had a mark. That is when she put makeup
 4 on; do you agree or not?
 5 A. I disagree.
 6 Q. I am going to suggest that you did know, when Ms. Heard went
 7 to the courthouse, it was a move that she made which was a
 8 deliberate announcement to the world that she had been
 9 assaulted by Mr. Depp, that it was a move and a positive
 10 decision she took. Do you agree that is what you knew or not?
 11 A. I am sorry, can you repeat the question in a different ---
 12 Q. I will put it a different way. I am going to suggest you knew
 13 she had tipped off the media for her appearance; yes?
 14 A. Absolutely not.
 15 Q. Did you know that her visit to the courthouse, whether
 16 sporting a mark or not, was not necessary at all; did you know
 17 that?
 18 A. I did not know.
 19 MR. JUSTICE NICOL: Just a minute. (Pause) Ms. Laws, we have to
 20 bring this to a conclusion.
 21 MS. LAWS: Yes. This is the longer witness of the two and I have
 22 one more question, if I may, because it is a question I will
 23 the next witness.
 24 MR. JUSTICE NICOL: Just one more, please.
 25 MS. LAWS: Yes. Ms. Pennington, is it right that you and

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1 PENNINGTON - LAWS
 2 Ms. Heard's other female friends vie for her attention and her
 3 favour?
 4 THE WITNESS: No.
 5 MS. LAWS: No further questions.
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[Page 2333]

1 PENNINGTON
 2 RE-EXAMINED BY MS. WASS
 3 Q. Ms. Pennington, can I ask you just a couple of questions,
 4 please, and then you will be finished.
 5 A. I just cannot hear you as well as ---
 6 Q. That is because I have turned my microphone off. Can you hear
 7 me now?
 8 A. Yes.
 9 Q. I am sorry, that was my fault. Just a couple of questions.
 10 It has been suggested that Ms. Heard vomited in the car park
 11 at Coachella when you went for her thirtieth birthday; is that
 12 correct or not correct?
 13 A. It has been suggested in this proceedings today?
 14 Q. Is it correct or not correct that she vomited in the car park
 15 in Coachella?
 16 A. I did not see her vomit in the car park at Coachella.
 17 Q. Thank you. Can I turn then to 21st May 2016, when you
 18 received a text and were called into penthouse 3. Can you
 19 describe the state that Mr. Depp was in when you entered the
 20 apartment?
 21 A. When I entered the apartment, he was very angry, very
 22 agitated.
 23 Q. Was he saying anything?
 24 A. He was yelling loudly, but I do not remember exactly what he
 25 was saying.

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1 PENNINGTON - WASS
 2 Q. Was there any direction of what he was saying, was he
 3 directing it at anybody?
 4 A. He was only, only him and Amber were in the room, so he was
 5 directing it at her.
 6 Q. And where was Ms. Heard at that stage?
 7 A. She was between the edge of the coffee table and the sofa, so
 8 the far corner of the living room.
 9 Q. You have said that Mr. Depp pushed your hands away at some
 10 stage. Can you describe how that came about?
 11 A. Well, when I came in, he was standing on several feet away
 12 from her, at a clearing space of like the base of the stairs
 13 between the kitchen and the living room and he was yelling at
 14 her, walking as if he was going to come towards her. So
 15 I stepped in front of him and I put my hands to his chest,
 16 I said "Stop", and he knocked my hands away, and I put my hand
 17 back up on his chest and I just said, "Stop, stop this".
 18 Q. Thank you very much. Now, it has been suggested to you that
 19 in fact Mr. Depp did not do any damage at all on that evening;
 20 you understand that?
 21 A. It has been suggested, yes.
 22 Q. The suggestion is that you, Mr. Drew, Josh Drew and Amber
 23 Heard were the people that caused the damage to the apartment
 24 that was later photographed by one of you. Do you understand
 25 that suggestion?

<p style="text-align: right;">[Page 2335]</p> <p>1 PENNINGTON - WASS</p> <p>2 A. I do.</p> <p>3 Q. What do you say about that suggestion?</p> <p>4 A. It is completely false.</p> <p>5 Q. It has been suggested that Amber Heard had no injuries on her</p> <p>6 face on 21st May; and that what happened was that before</p> <p>7 photographs were taken, makeup was applied to her face in</p> <p>8 order to make it look as if she had facial injuries. What do</p> <p>9 you say about that?</p> <p>10 A. It is completely false.</p> <p>11 MS. WASS: Thank you very much. Has my Lord any questions of</p> <p>12 Ms. Pennington?</p> <p>13 MR. JUSTICE NICOL: No, I do not. Ms. Pennington, thank you very</p> <p>14 much for coming to give your evidence and for doing so at an</p> <p>15 uncomfortable hour in Los Angeles. That concludes your</p> <p>16 evidence and we will now terminate the link. Thank you.</p> <p>17 (The witness withdrew)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">[Page 2337]</p> <p>1 TILLET WRIGHT</p> <p>2 MR. JUSTICE NICOL: It is not something that anybody else can make</p> <p>3 a decision about, it is your decision.</p> <p>4 THE WITNESS: I am happy to swear to tell the truth.</p> <p>5 MR. JUSTICE NICOL: Is there a bible where you are?</p> <p>6 THE WITNESS: There is not, it does not mean much to me, so I am</p> <p>7 happy to affirm if that is easier.</p> <p>8 MR. JUSTICE NICOL: If you are content to affirm, then the usher</p> <p>9 will read out the terms of the affirmation and ask you to</p> <p>10 repeat it after her.</p> <p>11 MR. TILLET WRIGHT, AFFIRMED</p> <p>12 EXAMINED BY MS. WASS</p> <p>13 MR. JUSTICE NICOL: Yes.</p> <p>14 MS. WASS: Is your name iO Tillet Wright?</p> <p>15 A. Yes, it is.</p> <p>16 Q. Mr. Tillet Wright, I would like to draw your attention to a</p> <p>17 witness statement you made. If you turn to your left, you</p> <p>18 will see a series of files. Could you go to file 2, please</p> <p>19 and within file 2, tab 62. Is that a document that bears a</p> <p>20 heading in the middle, "Witness statement of</p> <p>21 iO Tillet Wright"?</p> <p>22 A. Yes, it does.</p> <p>23 Q. Mr. Tillet Wright, can you go to page 16 -- do you see the</p> <p>24 bottom middle pages -- sorry, page 15 at the bottom of that</p> <p>25 statement?</p>
<p style="text-align: right;">[Page 2336]</p> <p>1 DISCUSSION</p> <p>2 MS. WASS: My Lord, there is one more witness. I am going to ask</p> <p>3 that the court accommodates him. We had various interruptions</p> <p>4 and additions to the day's schedule.</p> <p>5 MR. JUSTICE NICOL: Just give me a moment. (Pause) Ms. Wass and</p> <p>6 Ms. Laws, as ever, the court staff are extremely</p> <p>7 accommodating. They do appreciate that it is important that</p> <p>8 we conclude the evidence today. I hope that the trespass on</p> <p>9 their time by going a little later will not be too great, and</p> <p>10 I hope both of you will be able to take that into account.</p> <p>11 MS. LAWS: We will. I am very grateful.</p> <p>12 MS. WASS: Can I ask my Lord to rise for a couple of seconds.</p> <p>13 MR. JUSTICE NICOL: I was about to offer to do that. I will rise</p> <p>14 while the link is established.</p> <p>15 (A short break)</p> <p>16</p> <p>17 MR. JUSTICE NICOL: Is it Mr. Tillet Wright?</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. JUSTICE NICOL: You can hear me, can you?</p> <p>20 THE WITNESS: Yes, I can.</p> <p>21 MR. JUSTICE NICOL: Mr. Tillet Wright, the first stage of giving</p> <p>22 evidence is that you are asked to either affirm or swear to</p> <p>23 tell the truth; it is a matter for you which you do, which</p> <p>24 would you prefer?</p> <p>25 THE WITNESS: Either is fine.</p>	<p style="text-align: right;">[Page 2338]</p> <p>1 TILLET WRIGHT - WASS</p> <p>2 A. Yes.</p> <p>3 Q. It also bears the pagination, E138. Do you see that?</p> <p>4 A. Yes, I do.</p> <p>5 Q. And is that your signature?</p> <p>6 A. Yes, it is.</p> <p>7 Q. And is it dated 12th December 2019?</p> <p>8 A. Yes, it is.</p> <p>9 Q. And are the contents of that witness statement true?</p> <p>10 A. Yes.</p> <p>11 Q. Mr. Tillet Wright, would you stay there, please, you will be</p> <p>12 asked some more questions?</p> <p>13 MR. JUSTICE NICOL: You are going to be asked some questions,</p> <p>14 Mr. Tillet Wright, by Eleanor Laws QC, who is the barrister</p> <p>15 for Mr. Depp; all right? Yes.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 TILLET WRIGHT
 2 CROSS-EXAMINED BY MS. LAWS
 3 MS. LAWS: Mr. Tillet Wright, can you see and hear me?
 4 A. I can, yes.
 5 Q. I want to take you back to the events of May 2016, if I may,
 6 and ask you this. At that point in time, so by May 2016,
 7 Mr. Depp was unhappy with you. Do you agree with this, that
 8 he was unhappy with you because of the involvement, or your
 9 involvement in posting a photograph of his daughter on the
 10 internet as part of your public project? There is a very long
 11 question there and I can break it down. I will put it a
 12 different way. You and Mr. Depp were not speaking by May
 13 2016; do you agree with that?
 14 A. That is accurate.
 15 Q. He was upset with you. It does not matter whether he was
 16 right or wrong to be upset, but he was upset with you for what
 17 he saw as you involving his daughter, who was 16, in a project
 18 where photographs of people were being posted online?
 19 A. That is not entirely correct.
 20 Q. It is not the entire story, I have just introduced it because
 21 otherwise it would take too long, but it was to do with his
 22 daughter, was it not?
 23 A. That was part of it.
 24 Q. She was 16 and I think what happened was that a longstanding
 25 project of yours is to post photographs of people ----

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1 TILLET WRIGHT - LAWS
 2 MR. JUSTICE NICOL: Ms. Laws, you have established that Mr. Depp
 3 was unhappy with the witness. Do you need to go further into
 4 the detail?
 5 MS. LAWS: Probably not at this point with the pressure of time.
 6 A. That is inaccurate.
 7 Q. I do not think we are going to explore that save to say that
 8 I am going to suggest to you that the reason why you were
 9 estranged was because of something that happened with his
 10 daughter and that was it; do you agree or disagree?
 11 A. I will repeat, that is only a part of it.
 12 Q. On 21st May, when you received a call from Ms. Heard, you
 13 spoke to Mr. Depp and Ms. Heard and they were both having an
 14 argument. I think we can probably agree on that; is that
 15 right?
 16 A. I do not know if I received a call from Ms. Heard or if I was
 17 asked to call Ms. Heard and they were having a conversation
 18 that then escalated into an argument throughout the course of
 19 the call.
 20 Q. It was all to do with the fact -- I think we can take this
 21 fairly quickly -- that there was a discussion about whether
 22 you had any involvement in leaving some human faeces on a bed;
 23 do you agree with that?
 24 A. That was the beginning of the conversation, yes.
 25 Q. And it was a row that continued on the phone?

[Page 2341]

1 TILLET WRIGHT - LAWS
 2 A. Yes.
 3 Q. And at one point, were you able to ascertain that Mr. Depp had
 4 gone up the stairs and then was some distance from the phone?
 5 A. That is what I was told and that is what it sounded like, yes.
 6 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 7 MS. LAWS: During the row you heard the phone drop; is that right?
 8 A. Yes.
 9 Q. And you heard what Amber was telling you was going on; is that
 10 right?
 11 A. I also heard what Mr. Depp said.
 12 Q. You heard what he said?
 13 A. What he was doing.
 14 Q. But it is obvious you could not see what was going on?
 15 A. Yes.
 16 Q. And as a result of what Ms. Heard said and hearing the phone
 17 drop, you decided to call 911; is that right?
 18 A. In addition to the fact that she asked me to, yes.
 19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 20 MS. LAWS: You got off the phone and that is what you did pretty
 21 swiftly, is it not?
 22 A. Yes, after contacting Ms. Pennington and asking her to run up,
 23 I called 911.
 24 Q. Sorry, your voice dropped there. You contacted Ms. Pennington
 25 first?

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1 TILLET WRIGHT - LAWS
 2 A. I asked her to run over there because I was concerned that
 3 police would take longer and then I immediately called 911,
 4 yes.
 5 MR. JUSTICE NICOL: Just a minute. (Pause) At the time you called
 6 911, where were you, please, Mr. Tillet Wright?
 7 A. I was in Brooklyn, New York City.
 8 Q. So in New York?
 9 A. That is correct.
 10 MS. LAWS: And so you did not attend the apartment that night, did
 11 you?
 12 A. I did not, no.
 13 Q. You were part of some of the events that were going on around
 14 the time of Ms. Heard's application for a restraining order,
 15 though, were you not?
 16 A. I do not know what you mean by ----
 17 MR. JUSTICE NICOL: That is a fairly open-ended question.
 18 MS. LAWS: It is. I will specify. We certainly know the police
 19 attended the penthouse apartments that night and left, two
 20 sets of officers. Did you know that?
 21 A. I do not think I knew at the time that there were two sets of
 22 officers. I did enquire multiple times about whether or not
 23 the police had arrived and did not go to sleep until I was
 24 assured that they had.
 25 MR. JUSTICE NICOL: Just a minute. (Pause)

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1 TILLET WRIGHT - LAWS
 2 MS. LAWS: You know, do you not, that on 27th May, Ms. Heard
 3 attended the courthouse in the full glare of media publicity
 4 in order to obtain a restraining order. You know that, do you
 5 not?
 6 A. I do, yes.
 7 Q. Did you have anything to do with leaking to the press the
 8 information that this was going on?
 9 A. I did not, no.
 10 Q. Did you have anything to do with leaking to the press the
 11 police business card that had been left behind by one of the
 12 officers on the night of the 21st?
 13 A. No. I have never seen it.
 14 MR. JUSTICE NICOL: Sorry, what was your answer, Mr. Tillet
 15 Wright?
 16 MS. WASS: Never seen it.
 17 THE WITNESS: I answered no, I have never seen it.
 18 MR. JUSTICE NICOL: You have never seen the business card?
 19 THE WITNESS: No.
 20 MS. LAWS: Did you have anything to do with the release of any
 21 images to the media of Ms. Heard in relation to Mr. Depp's
 22 violence?
 23 A. No. I have never had anything to do with the release of
 24 anything to the media in regard to Mr. Depp or Ms. Heard ever
 25 at any time.

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1 TILLET WRIGHT - LAWS
 2 Q. Do you have file 7 near to you, please? Have you got file 7
 3 in front of you, sorry?
 4 A. I do, yes.
 5 Q. Can you go, please, to tab 46. You may or may not have seen
 6 this document before. Is it familiar to you?
 7 A. I was provided this by my lawyer, I think, yesterday ----
 8 MR. JUSTICE NICOL: Just a minute. (Pause)
 9 MS. LAWS: This is a series of messages between yourself and
 10 Ms. Heard on 7th June 2016, is it not?
 11 A. Yes.
 12 Q. Your messages are in yellow and Ms. Heard's messages are in
 13 blue; is that correct?
 14 A. Yes.
 15 Q. We will just run through them. They start off at the top, at
 16 12.42 p.m., and this is you: "We need to build an
 17 internet-proof bomb shelter and go hide in it together."
 18 Ms. Heard says, "Can we hang today?" You say, "I'll hit you
 19 up when I am on my way back from JT. ...(reads to the
 20 words)... I can imagine a fraction of how you feel." Pause
 21 there a moment. That is in response to media reportage of the
 22 separation of Mr. Depp and Ms. Heard; is it not?
 23 A. I would imagine.
 24 Q. Yes. Ms. Heard is saying ----
 25 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

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1 TILLET WRIGHT - LAWS
 2 MS. LAWS: "I love you, thanks for being there for me, just tried
 3 you." Then you write this: "Refinery wants to run it, but
 4 their lawyers need me to send them a transcript of the 911
 5 call and photos of the incident. We can send them the ones
 6 that ran in People, but does your lawyer have a transcript?"
 7 Ms. Heard is saying, "I don't have transcript, but I'll ask
 8 right now and, yes." You say, "Okay." What you are talking
 9 about is an article that you eventually did publish quite soon
 10 afterwards about the fact that you had called 911, is it not?
 11 A. Yes.
 12 Q. And you were both therefore going public with what Ms. Heard
 13 was saying about Mr. Depp -- very public; do you agree?
 14 A. It had long been public at that point. I was asked to write
 15 an article to defend her character because she had been
 16 dragged publicly as a gold-digger and everyone ----
 17 MR. JUSTICE NICOL: Just show down, please, Mr. Tillet Wright,
 18 because I am taking a note of the evidence.
 19 A. Sorry about that. It was long public at that point, and the
 20 article is something that I was asked to write in support of
 21 Ms. Heard's character because the media was characterising her
 22 as a gold-digger at that point.
 23 MR. JUSTICE NICOL: Just slow down, please. (Pause)
 24 MS. LAWS: Ms. Heard wanted you in effect to defend her character
 25 and the suggestion that she was a gold-digger; is that what

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1 TILLET WRIGHT - LAWS
 2 you just said?
 3 A. Ms. Heard asked me to speak to my own experience of what I had
 4 witnessed because no one else was willing to publicly speak at
 5 that point because they were very afraid of retaliation from
 6 Mr. Depp.
 7 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 8 MS. LAWS: So Ms. Heard asked you to write this article, is that
 9 right; yes or no?
 10 A. Yes.
 11 Q. And I think you mentioned before, she was concerned about
 12 effectively a smear on her character as a gold-digger, is that
 13 right; yes or no?
 14 A. We all were, yes; everyone was.
 15 MR. JUSTICE NICOL: Slow down, please. (Pause) Yes.
 16 MS. LAWS: Overleaf, on page H180, so the second page of these
 17 texts, we have Ms. Heard telling you to release these
 18 photographs with the hair and you respond, "They don't want
 19 them for publication, but I guess if you have more, we can run
 20 them. I need that transcript ASAP though. Send me the
 21 photos." Then Ms. Heard is telling you, "People ran those"
 22 and it looks like she attaches a file or link to the message
 23 and then says, "Check out WhatsApp Messenger for your
 24 Smartphone." Then you say, "Okay, just send the People ones
 25 for now. What is your favourite photo that I have ever taken

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1 TILLET WRIGHT - LAWS
 2 of you, something that it would be okay if it ran with the
 3 Refinery 29 story tomorrow? They want to run it with a photo
 4 of you, not the battered ones, and I want it to be one that I
 5 have taken of you so the whole thing stays super-personal."
 6 Ms. Heard says, "Do you have one of me without makeup or glam?
 7 Text when you're back. I miss you so much." So that is the
 8 exchange. Then we have some photographs, H181, if you flick
 9 over, H182 and H183. Were these the photographs that
 10 Ms. Heard sent to you?
 11 A. I guess. I was already in possession of them.
 12 MR. JUSTICE NICOL: Just a minute. Sorry, what was your answer,
 13 please, Mr. Tillet Wright?
 14 A. I said I guess, but I was already in possession of the images
 15 so I am not sure why she would have sent them.
 16 MS. LAWS: The hair photos was a reference to photographs of some
 17 loose hair on the floor.
 18 A. The photographs were of what? The photographs of the hair
 19 that she is referencing were what I understood to be a clump
 20 of her hair that Mr. Depp had ripped out during their fight.
 21 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 22 MS. LAWS: And did she provide you with those photographs?
 23 A. I do not recall that particular conversation. I believe you
 24 have the transcript.
 25 Q. Mr. Tillet Wright, you never saw Mr. Depp assault or beat

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1 TILLET WRIGHT - LAWS
 2 Ms. Heard on any occasion, did you?
 3 A. I did not.
 4 Q. I am going to suggest that he never once admitted, accepted,
 5 confessed, or joked about being violent to Ms. Heard, did he?
 6 A. That is absolutely untrue.
 7 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 8 MS. LAWS: You and some of Ms. Heard's other friends -- would you
 9 accept this much -- had a bit of a competition between you for
 10 her attention or her friendship; would you agree with that?
 11 A. No.
 12 Q. You had very strong feelings for her, did you not, back in
 13 2016?
 14 A. I considered Amber to be part of my extended family at this
 15 point.
 16 MR. JUSTICE NICOL: Just a minute. The question was, you had
 17 strong feelings for her in 2016; do you agree or disagree with
 18 that?
 19 A. She was a very close friend of mine in 2016, yes.
 20 MS. LAWS: And you would do a lot to support her, would you not?
 21 A. I would support her in any way that was truthful and honest.
 22 MR. JUSTICE NICOL: Just a minute. (Pause)
 23 MS. LAWS: I am going to suggest that you have not been truthful
 24 at all when you suggest that Mr. Depp had joked or talked
 25 about being violent to Ms. Heard. Do you agree or disagree?

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1 TILLET WRIGHT - LAWS
 2 A. I strongly disagree. I do not know why I would ever do that.
 3 MR. JUSTICE NICOL: Just a moment. (Pause)
 4 MS. LAWS: Finally, you have not been honest at all when you
 5 suggest that there was no competition amongst Ms. Heard's
 6 friends for her attention, and I am just going to ask you
 7 something about that now.
 8 A. I did not say that. You asked me if there was strong
 9 competition between me and her friends and I said no. There
 10 is a distinction.
 11 Q. Do you remember at their wedding ----
 12 MR. JUSTICE NICOL: Just a minute. What was being asked of you
 13 just now was that there was competition for her attention. Do
 14 you agree or disagree with that?
 15 A. Between her friends or between me and her friends?
 16 Q. Between you and her friends?
 17 A. No.
 18 MS. LAWS: For example, do you remember at her wedding to
 19 Mr. Depp, that you actually had a physical fight with
 20 Ms. Pennington and punched her?
 21 A. I did not at all have a physical fight with Ms. Pennington
 22 during the ----
 23 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 24 MS. LAWS: The fight was about who was going to be actually the
 25 wedding planner and carry out what Amber wanted. Do you

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1 TILLET WRIGHT - LAWS
 2 remember that?
 3 A. Incorrect; never happened.
 4 Q. And you made no secret of the fact that you had actually
 5 punched Raquel Pennington ----
 6 MR. JUSTICE NICOL: Now, Ms. Laws. We are getting away from the
 7 issues in this case. You have asked whether there was a fight
 8 and Mr. Tillet Wright has denied that there was.
 9 MS. LAWS: My Lord, this is all to do with credibility ----
 10 MR. JUSTICE NICOL: Well, the answers to questions regarding
 11 credibility are final. I am not going to allow further
 12 questions on this subject.
 13 MS. LAWS: I will move on then. (To the witness) Put that event
 14 to one side. Do you remember having a text exchange or an
 15 argument with Raquel Pennington in which you were both
 16 accusing each other of lack of respect and demeaning each
 17 other; do you remember that?
 18 A. We have had a few exchanges over how we get along, yes,
 19 because contrary to popular belief, we do not actually hang
 20 out with each other.
 21 Q. You both wanted to be Ms. Heard's closest or go-to person; do
 22 you agree with that or not?
 23 A. I would say that that is an overly-simplified assessment of a
 24 very complicated multi-tier friendship.
 25 MS. LAWS: No further questions, my Lord.

[Page 2351]

1 TILLET WRIGHT - LAWS
 2 MR. JUSTICE NICOL: Yes, thank you. Ms. Wass.
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[Page 2353]

1 TILLET WRIGHT - WASS
 2 MR. JUSTICE NICOL: Just slow down, please, Mr. Tillet Wright.
 3 A. Sure. Absolutely. Just let me know when you want me to
 4 continue.
 5 MS. WASS: Carry on, you said he was coming downstairs and he had
 6 overheard something and you were about to tell us?
 7 A. I believe he overheard me asking her if she was safe, and
 8 I was expressing concern about them being alone in the house
 9 together because it was my understanding that the last time
 10 that they had been alone in the house together, there had been
 11 violence and her life was in danger and I was ----
 12 MR. JUSTICE NICOL: Stop a minute, please.
 13 MS. WASS: Pause a second. (Pause)
 14 MR. JUSTICE NICOL: Just wait for Ms. Wass's next question.
 15 MS. WASS: I think the last thing you told us was that you were
 16 concerned for her safety on 21st May because of something that
 17 had previously been told by Ms. Heard; is that right?
 18 A. That is correct.
 19 Q. So, what was the next thing that happened on 21st May that you
 20 could hear on this telephone?
 21 A. Mr. Depp, I do not know if he picked up the phone or was just
 22 speaking into it, but he started screaming at me, things that
 23 were very far from reality, which signalled to me that he was
 24 not in a good mind state, or in his right mind. At which
 25 point I said that Amber should get out of the house.

[Page 2352]

1 TILLET WRIGHT
 2 RE-EXAMINED BY MS. WASS
 3 MS. WASS: Mr. Tillet Wright, there are just a couple of matters
 4 for clarification, please. Going back to the 21st May, you
 5 obviously did not see what was going on between Ms. Heard and
 6 Mr. Depp, but were able to hear some of it; is that correct?
 7 A. Yes.
 8 Q. Can I ask you, from what you heard, what sort of mood did
 9 Mr. Depp appear to be in?
 10 A. When they first called me, he seemed to be agitated. He would
 11 get into these moods where he would convince himself of things
 12 that were generally paranoid delusions, about things that had
 13 happened, or people who were forming conspiracies about him,
 14 or people who were leaking information about him, and he
 15 seemed to be in one of those froths when he posited this idea
 16 of someone having defecated in the bed. I clarified to him
 17 that I was not in the building on that day and I also reminded
 18 him that Amber is basically faecal-phobic and that if she were
 19 ever to play a prank, it would certainly not be that because
 20 it is not even in her DNA. She likes to pretend that she does
 21 not do that in private, much less on her own bed, after which
 22 he was further agitated.
 23 When he came back, what I was told was back downstairs,
 24 he was very angry because he overheard me on the phone
 25 expressing concern for Amber's wellbeing and her safety ----

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1 TILLET WRIGHT - WASS
 2 MR. JUSTICE NICOL: Just slow down.
 3 MS. WASS: Pause there. (Pause)
 4 MR. JUSTICE NICOL: Yes. Again, just wait for the next question
 5 Mr. Tillet Wright.
 6 MS. WASS: You told us that you told Amber that she should get out
 7 of the house; yes? What did you hear or what did you say
 8 next?
 9 A. I heard what sounded like the phone had been dropped, and like
 10 either a yelp or a scream from Ms. Heard. And then I heard
 11 her say something to the effect of, "He threw the phone at my
 12 face", or you, "you tossed the phone at my face", something
 13 like that. But it was illustrated that the phone had been
 14 thrown into her face and she was hurt.
 15 Q. Pausing there, can you pause. (Pause) So, you heard Ms. Heard
 16 yelp and say something along the lines "You have thrown a
 17 phone at my face". What was the next thing you heard on that
 18 phone call?
 19 A. Mr. Depp said something to the effect of, "Oh, you think I hit
 20 you, you think I hit you, what if I peel your hair back?"
 21 I am not totally sure if he said "pull" or "peel".
 22 Q. Pause there.
 23 MR. JUSTICE NICOL: I did not catch that.
 24 MS. WASS: Mr. Depp was saying "Oh, you think I hit you, what if I
 25 pulled your hair back", "pull" or "peeled".

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1 TILLET WRIGHT - WASS
 2 THE WITNESS: I believe it was "peeled".
 3 Q. Peeled your hair back.
 4 A. I believe it was "peel", it could have been "pull", but
 5 I think it was "peel". Then I heard Ms. Heard scream, and
 6 everything seemed to get further away from the phone, and she
 7 screamed, "Call 911", which she had never done before.
 8 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 9 MS. WASS: After she said "Call 911", was that the end of the
 10 phone call or was there any more that you could hear on the
 11 line?
 12 THE WITNESS: I believe I said "I'm going to call 911" and she
 13 said, "please", I think I reaffirmed it once more because it
 14 was such a departure from the norm in her situation, and then
 15 I hung up.
 16 Q. Thank you very much. I am not going to ask you, we have phone
 17 records as to what happened next. All right? What I do want
 18 to ask you about is what you were asked about those texts on
 19 7th June. Do you remember that exchange about your article?
 20 A. Yes.
 21 Q. I am not going to ask you to look at them again, I want you to
 22 help us with a little bit of background. What you said in
 23 answer to the barrister who asked you questions was that
 24 Ms. Heard asked you to write the article, that she was
 25 concerned, that everyone was concerned about the smear, nobody

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1 TILLET WRIGHT - WASS
 2 else -- that is what my note says -- that they were afraid of
 3 retaliation from Mr. Depp. Can you please explain what you
 4 meant by that?
 5 A. Very shortly after the divorce was filed, or the restraining
 6 order, I guess they both happened at the same time, they were
 7 very close to each other, media articles started appearing
 8 that were saying that she was a gold-digger, and that she had
 9 only married him for the money. It seemed to me that
 10 Mr. Depp's PR machine had kicked in gear and was trying to
 11 defensively move to make it sound like something other than
 12 what we, behind the scenes, knew to have happened, had
 13 happened and we were quite shocked. And in speaking to the
 14 people who had seen and witnessed what had happened, or at
 15 least heard what had happened, were close to what had
 16 happened, a number of people who worked in the entertainment
 17 industry were very afraid that speaking up and saying what
 18 they had seen would result in being blacklisted by Mr. Depp's
 19 connection in the entertainment industry, which they had tried
 20 to do with me. I spoke up after that article, my agent
 21 was ----
 22 MS. LAWS: My Lord, I do not know how relevant this is.
 23 MR. JUSTICE NICOL: I think we are getting a bit far away from the
 24 point.
 25 MS. WASS: Mr. Tillet Wright, you have given us the picture of why

[Page 2357]

1 TILLET WRIGHT - WASS
 2 ----
 3 MR. JUSTICE NICOL: We have had the answer. What is the next
 4 question?
 5 MS. WASS: There is no further questions. Thank you very much
 6 indeed, Mr. Tillet Wright, for answering my questions and for
 7 giving evidence in this case.
 8 MR. JUSTICE NICOL: Mr. Tillet Wright, that brings your evidence
 9 to a conclusion. Can I repeat the court's thanks for you
 10 coming to give this evidence and what may have been an
 11 uncomfortable time in the morning for you in Los Angeles. But
 12 thank you very much for giving your evidence, and we will now
 13 terminate the link.
 14 THE WITNESS: Thank you.
 15 (The witness withdrew)

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1 DISCUSSION
 2 MR. JUSTICE NICOL: Now, Ms. Wass.
 3 MS. WASS: I think Mr. Wolanski is going to deal with ----
 4 MR. SHERBORNE: I do not know what Mr. Wolanski is going to do.
 5 MR. JUSTICE NICOL: Shall I hear what Mr. Wolanski is going to do
 6 first?
 7 MR. SHERBORNE: My Lord, yes. There is an evidential matter
 8 I would like to raise. If Mr. Wolanski is dealing with
 9 evidence, there is no problem. If he is going to make some
 10 other point, I do need to deal with one very brief matter on
 11 the evidence.
 12 MR. JUSTICE NICOL: Yes. Mr. Wolanski.
 13 MR. WOLANSKI: My Lord, it is just this, we put in evidence the
 14 hearsay materials of Ms. Elizabeth Marz.
 15 MR. JUSTICE NICOL: Is this Elizabeth Marz?
 16 MR. WOLANSKI: Elizabeth Marz, who was in file 2 of tab 69.
 17 MR. JUSTICE NICOL: Remind me where it is.
 18 MR. WOLANSKI: File 2, tab 69.
 19 MR. JUSTICE NICOL: Just a minute. (Pause) I do not have 69 tabs
 20 in 2. Could it be 2.1?
 21 MR. WOLANSKI: It could be, yes.
 22 MR. JUSTICE NICOL: Just a minute. (Pause) It is item 4, is it?
 23 MR. WOLANSKI: It is item 4, item 5, and item 6.
 24 MR. JUSTICE NICOL: Just a minute. (Pause) 4, 5 and 6.
 25 MR. WOLANSKI: Yes.

<p style="text-align: right;">[Page 2359]</p> <p>1 DISCUSSION</p> <p>2 MR. JUSTICE NICOL: Yes.</p> <p>3 MR. WOLANSKI: For your Lordship's note, item 4 is to be found at</p> <p>4 file 2, tab 67.</p> <p>5 MR. JUSTICE NICOL: Just a minute. (Pause) 4, 67. Yes.</p> <p>6 MR. WOLANSKI: Item 5 is at file 3, tab 103.</p> <p>7 MR. JUSTICE NICOL: Give me that again.</p> <p>8 MR. WOLANSKI: It is file 3, tab 103.</p> <p>9 MR. JUSTICE NICOL: Yes.</p> <p>10 MR. WOLANSKI: And item 6 is at file 3, tab 104. That is it.</p> <p>11 There is one procedural matter I would like to address</p> <p>12 your Lordship on.</p> <p>13 MR. JUSTICE NICOL: We will come to that in a moment.</p> <p>14 Mr. Sherborne, first of all, any problem about the hearsay</p> <p>15 information?</p> <p>16 MR. SHERBORNE: My Lord, no.</p> <p>17 MR. JUSTICE NICOL: There we go. Yes. What was it that you</p> <p>18 wanted to raise?</p> <p>19 MR. SHERBORNE: It is simply this, as a matter of formality. You</p> <p>20 will recall that Mr. White was asked to prepare -- sorry, I am</p> <p>21 waiting for the cavalry. Thank you very much. I will start</p> <p>22 again. Your Lordship will recall that Mr. White was asked to</p> <p>23 produce a witness statement dealing with the issue of</p> <p>24 liabilities. Your Lordship should have that in file 2,</p> <p>25 tab 45A.</p>	<p style="text-align: right;">[Page 2361]</p> <p>1 DISCUSSION</p> <p>2 points the claimant is going to make after they have spoken.</p> <p>3 MR. WOLANSKI: Very well. If your Lordship does not feel it</p> <p>4 appropriate, we will not press the matter.</p> <p>5 MR. JUSTICE NICOL: Well, Mr. Sherborne, I am not inclined to make</p> <p>6 a direction to that effect. If you wish to do so and you</p> <p>7 think that there might be a forensic advantage in you having</p> <p>8 done so, then that is a matter for you.</p> <p>9 MR. SHERBORNE: My Lord, I am very grateful. I will not take</p> <p>10 up ---</p> <p>11 MR. JUSTICE NICOL: If you were to do so -- I am not saying you</p> <p>12 must -- but if you were to do so, there would be scope for you</p> <p>13 then to say the defendants know our lines both from our</p> <p>14 opening skeleton and from the draft of our closing submissions</p> <p>15 which they have already seen. It is a matter now, I am not</p> <p>16 insisting that you do that.</p> <p>17 MR. SHERBORNE: I am grateful. I am not going to depart from</p> <p>18 hundreds of years of tradition of the claimant having the last</p> <p>19 word; but I am very grateful for the opportunity.</p> <p>20 MR. JUSTICE NICOL: There we are, Mr. Wolanski. I am not going to</p> <p>21 make a direction. Mr. Wolanski, you will of course already</p> <p>22 have seen the opening skeleton on behalf of the claimant, and</p> <p>23 no doubt you and Ms. Wass and Ms. Hamer will be able to</p> <p>24 anticipate some of the other points that you would make if you</p> <p>25 were appearing for the claimant.</p>
<p style="text-align: right;">[Page 2360]</p> <p>1 DISCUSSION</p> <p>2 MR. JUSTICE NICOL: Just a minute. (Pause) The date of this is?</p> <p>3 MR. SHERBORNE: It should be 18th July 2020. It should be D116.1</p> <p>4 in the bottom right-hand corner. I am grateful. I think</p> <p>5 I can see your Lordship has it. Just to say, given that</p> <p>6 Mr. White was asked to perform this exercise, I thought it</p> <p>7 only fair to take your Lordship to where it is so you can see</p> <p>8 it.</p> <p>9 MR. JUSTICE NICOL: Thank you very much. Now, Mr. Wolanski, you</p> <p>10 have another point?</p> <p>11 MR. WOLANSKI: A procedural point. We are doing a written</p> <p>12 closing, and we would invite your Lordship to make a direction</p> <p>13 that written closings be lodged and exchanged on Sunday</p> <p>14 afternoon. We would suggest 4 p.m. The reason is we would</p> <p>15 like an opportunity to have a look at the claimant's closing</p> <p>16 before we close on Monday. Obviously, we will exchange and</p> <p>17 the claimant will be able to see our closing at the same time.</p> <p>18 MR. JUSTICE NICOL: Is there any procedure that you are relying</p> <p>19 on, a particular power that I have to do this?</p> <p>20 MR. WOLANSKI: No. Just the usual procedure whereby skeleton</p> <p>21 arguments are exchanged prior to a hearing.</p> <p>22 MR. JUSTICE NICOL: Yes, but skeleton arguments are a bit</p> <p>23 different. We are at the other end of the trial and</p> <p>24 ordinarily, tough as it may be, defendants go first and</p> <p>25 defendants have to try and anticipate as best they can what</p>	<p style="text-align: right;">[Page 2362]</p> <p>1 DISCUSSION</p> <p>2 MR. WOLANSKI: Yes.</p> <p>3 MR. JUSTICE NICOL: Good. Is there anything else?</p> <p>4 MR. SHERBORNE: My Lord, no. Thank you very much to you and for</p> <p>5 the court staff sitting late.</p> <p>6 MR. JUSTICE NICOL: Very well. Then 10 o'clock on Monday.</p> <p>7 (Adjourned till 10 a.m. on Monday morning)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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